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[1] as Defendant's Exhibit 14, and you will see in
[2] the bottom there is an e-mail from Ms. Deiss to
[3] Ms. Kaufman saying, "Hi, how did your meeting go
[4] with V, hope everything is okay."

[5] And then Ms. Deiss says in her
[6] response, "I think went pretty well, Vladimir
[7] seems to be pleased. Thanks for the wine the
[8] other night. It was delicious."

[9] Do you recall having a meeting in
[10] mid-January 2009 with Ms. Deiss?

[11] **A:** With whom?

[12] **Q:** With Michaela Deiss, D-E-I-S-S?

[13] **A:** In January?

[14] **Q:** In January 2009.

[15] **A:** I see it, I see it.

[16] **Q:** And Michaela Deiss is Stephen's
[17] partners at Triarch, and she says, "I think it
[18] went pretty well. Vladimir seemed to be
[19] pleased." Were you pleased with how the project
[20] was going in 2009?

[21] **A:** I don't remember. I never had
[22] dinner with Michaela Deiss. "Thanks for the wine
[23] the other night. It was delicious," about what
[24] they are talking?

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[1] **Q:** That second line might refer to —

[2] **A:** Max — who is Max?

[3] **Q:** Max is Michaela Deiss, that is her
[4] nickname.

[5] **A:** Oh.

[6] **Q:** That second line about the wine may
[7] be a reference to Michaela and Julie having wine,
[8] that is separate and apart from you having dinner
[9] or wine with anybody. But I have no further
[10] questions about this document.

[11] **A:** How can I — how —

[12] **MR. ISRAEL:** There is no question.

[13] **A:** — I know what — what I just — how
[14] can I know about conversation between two ladies?
[15] You know.

[16] (Plaintiff's Exhibit 43, e-mail
[17] dated January 16, 2009, marked for
[18] identification.)

[19] **Q:** I've handed you what has been marked
[20] as Plaintiff's Exhibit 43. It is a January 16,
[21] 2009 e-mail from Michaela Deiss to Garry
[22] Braderman. Did you ever receive a construction
[23] cost estimate from Triarch?

[24] **A:** No, I don't remember about this.

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[1] You know why? Because how can we talk about, for
[2] example, the guest bath one, guest bath two if we
[3] never saw and we never made decision what we want
[4] to do there, what is tiles, vanity, toilet,
[5] mirror, exactly what, like a dream or what you
[6] are talking, powder room wallpaper, you see
[7] powder room is full room in the marble, like same
[8] marble like in the floor. And the — one of the
[9] walls.

[10] **Q:** I understand. I think you answered
[11] my question. Thank you very much.

[12] Here the total estimate is
[13] \$1,273,800. Is that estimate more than should
[14] have been spent on this project?

[15] **A:** I don't know.

[16] **Q:** Was this estimate more than what
[17] Medallion was willing to pay for this project?

[18] **A:** I don't know.

[19] **Q:** Do you recall —

[20] **MR. MANDEL:** Withdrawn.

[21] (Plaintiff's Exhibit 44, four
[22] invoices from Triarch labeled invoices 1
[23] through 4, marked for identification.)

[24] **Q:** I've handed you what has been marked

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[1] as Plaintiff's Exhibit 44. It is four invoices
[2] from Triarch labeled invoices 1 through 4.

[3] Have you ever seen any of these
[4] invoices before?

[5] **A:** No, but — but very interesting
[6] situation.

[7] **MR. ISRAEL:** Just answer his
[8] question, Vladimir, just answer his
[9] question.

[10] **A:** It's 100 percent of the schematic
[11] design, no design, 100 percent, 20,000 I paid for
[12] nothing.

[13] **Q:** Do you know how much time Triarch
[14] spent on this project?

[15] **A:** I don't care. I don't care about
[16] this.

[17] **Q:** Why don't you care?

[18] **A:** Because they have some obligations,
[19] I have some obligations. How can — how can I
[20] know how much they spend time? The main question
[21] is not how much they spend time, what is the
[22] result of this, what is the result of this time?

[23] You think I stop — I paid him — I paid them
[24] amount and I stopped to work with them and I took

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[1] **V. Voronchenko**
[2] another designer for what? For to spend money
[3] more? Because another designer that came and
[4] saw, this isn't bad, this isn't bad, this is
[5] usual, like a doctors, and I have to pay again
[6] for — for everything.
[7] Why I stop to work with them?
[8] Because it was no good work from Triarch. Only
[9] one reason why I did this, I didn't want to pay
[10] double for the same — for the same job. I see
[11] this description, 100 percent of schematic
[12] design, show me a hundred percent of schematic
[13] design. A hundred percent, not me put this, this
[14] number, hundred percent, you know, hundred
[15] percent, hundred percent is a hundred percent,
[16] this is all rooms. Has to be hundred percent,
[17] first of all computer — computer picture all the
[18] walls, ceilings and floor and — and plan where
[19] is the furniture, where are you putting
[20] this — this is a hundred percent. This is the
[21] first 20,000. 50 percent of design.
[22] **Q:** Thank you. Let me just jump to the
[23] next question. Let me just jump to the next
[24] question. Did you ever object to any of these
[25] invoices at any point in time?

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[1] **V. Voronchenko**
[2] **MR. ISRAEL:** Objection.
[3] **A:** What?
[4] **MR. ISRAEL:** He wants to know if you
[5] ever objected to the invoices.
[6] You mean him personally, obviously,
[7] right?
[8] **MR. MANDEL:** Yes.
[9] **A:** How — how —
[10] **MR. ISRAEL:** He wants to know if you
[11] ever objected to any of these invoices, you
[12] personally, whether you objected to the
[13] invoices.
[14] **Q:** Do you know the word "objected"?
[15] **A:** No, not really.
[16] **Q:** Okay. Did you ever call or e-mail
[17] Triarch to complain about these invoices to say
[18] these invoices are wrong or these invoices are
[19] unfair or they didn't work?
[20] **A:** No, it was never — not my job, I
[21] didn't see these invoices.
[22] **Q:** Whose job was it to do that?
[23] **A:** Moscow, Russian company.
[24] **Q:** What —
[25] **A:** Russian company.

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[1] **V. Voronchenko**
[2] **Q:** Medallion?
[3] **A:** No, Filip Vuckovic.
[4] **Q:** Libracon?
[5] **A:** Libracon.
[6] **Q:** It was Libracon's job to object to
[7] the invoices?
[8] **A:** Yes.
[9] **Q:** Are you aware of anyone at Libracon
[10] objecting or complaining about the invoices?
[11] **MR. ISRAEL:** Objection.
[12] **A:** I don't remember, I don't remember.
[13] **Q:** As you're sitting here today, do you
[14] know of anyone complaining about or objecting
[15] about the invoices?
[16] **MR. ISRAEL:** Him personally, you're
[17] not asking if he spoke to Medallion?
[18] **MR. MANDEL:** My question stands,
[19] I'll reask it.
[20] **Q:** Sitting here today, do you have any
[21] recollection of anyone ever — anyone from
[22] anywhere ever complaining about or objecting to
[23] any of the Triarch invoices?
[24] **A:** Me personally?
[25] **Q:** I want to know if you know of anyone

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[1] **V. Voronchenko**
[2] complaining about the invoices? You said that
[3] you didn't complain about them, but I want to
[4] know did you know whether Filip complained about
[5] them or Mr. Braderman complained about them or
[6] anyone complaining about these invoices?
[7] **A:** I don't know. I don't know. I
[8] don't know. They ask to pay hundred 3,000 for
[9] job what you showed me. Not bad. The result is
[10] answer for your question, the result is answer
[11] for your question.
[12] **Q:** So you're saying —
[13] **A:** Has he complain if people — if
[14] people didn't pay.
[15] **Q:** Did you have to authorize payment
[16] before Triarch was paid?
[17] **A:** Before what?
[18] **Q:** Before Medallion paid Triarch, did
[19] you have to —
[20] **A:** No, it was deal of — deal
[21] of — they're very professional people because
[22] they're building.
[23] **MR. MANDEL:** Can we mark this one,
[24] please.
[25] (Plaintiff's Exhibit 45, e-mail of

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[1] January 21, 2009, marked for
[2] identification.)
[3] **Q:** I show you what has been marked as
[4] Plaintiff's Exhibit 45, it is a January 21, 2009
[5] e-mail from Mr. Braderman to Mr. Corelli. I'll
[6] read it, "Sorry for not getting back to you last
[7] night, I was in bed all day. Spoke to Vladimir.
[8] He did not authorize the payment yet. Has asked
[9] for a few more days. I'm off to Geneva this
[10] afternoon, will see him tomorrow and discuss it
[11] again."
[12] **A:** It's normal because Libracon has to
[13] check it, you know, all payments. If Libracon
[14] didn't check, if Libracon tell — tell us, okay,
[15] I always agree with Libracon. If Libracon
[16] not — not agree with this, not authorized.
[17] **Q:** So you would — if Mr. Braderman
[18] checked with you and you would check with
[19] Libracon?
[20] **A:** No, no. Mr. Braderman ask
[21] me — Mr. Braderman is not professional builder,
[22] he just — he just person. He helped to do this
[23] project very short time, short period of time,
[24] short time, you know. He doesn't — he doesn't

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[1] have salary from — from —
[2] **Q:** Medallion?
[3] **A:** — Medallion. They just ask him to
[4] be like representative for him to sign some
[5] papers, and this is it. And to send some — some
[6] documents between someone.
[7] **MR. ISRAEL:** He's not asking about
[8] that, just answer the questions.
[9] **THE WITNESS:** Okay, okay.
[10] **Q:** Was Mr. Braderman compensated in any
[11] way for the work he performed on this project?
[12] **A:** No. No.
[13] **Q:** And nothing about Plaintiff's
[14] Exhibit 45 changes your testimony about whether
[15] you had to approve a payment to Triarch before it
[16] was made?
[17] **A:** The main approved this is the
[18] Libracon job, Libracon job. My approval works,
[19] Libracon told me everything is okay, okay, if not
[20] okay, not okay. The final decision is — this is
[21] a Libracon decision, because they're — they are
[22] more than a hundred percent professional, they
[23] understand this much better than I understand.
[24] They want to pay, they want to pay. If they

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[1] don't pay, they don't want to pay.
[2] (Plaintiff's Exhibit 46, letter
[3] dated January 27, 2009, marked for
[4] identification.)
[5] **Q:** Plaintiff's Exhibit 46 is a January
[6] 27, 2009 letter from Robert G. Wise to Stephen
[7] Corelli. Have you ever seen this document
[8] before, Mr. Voronchenko?
[9] **A:** I didn't see any documents before.
[10] What does it mean?
[11] **Q:** I'll just read to you one portion of
[12] it. I'm going to read the beginning of the third
[13] sentence beginning on the third line, "Triarch
[14] was obtained on the express understanding that it
[15] would complete the project, including
[16] construction, on or before December 31, 2008."
[17] Is that a statement true?
[18] **A:** "Triarch was retained on the express
[19] understanding that they would complete the
[20] project." "Triarch was retained," what does that
[21] mean?
[22] **Q:** Hired.
[23] **A:** Fired?
[24] **Q:** Opposite of fired. Their services

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[1] were purchased.
[2] **A:** I need to translate this document.
[3] **Q:** Let me see, I definitely didn't see
[4] this. This is the most important. This
[5] basically says, so this suggests, this suggests
[6] that the deal was, the deal between Triarch and
[7] Medallion, was that construction on the project
[8] would be complete by December 31, 2008.
[9] **A:** It has to be —
[10] **MR. ISRAEL:** Objection, objection.
[11] I don't know if you finish, I don't know if
[12] you finished asking your questions, go
[13] ahead finish, and then I'll make my
[14] objections, sorry about that.
[15] **Q:** This says that the deal between
[16] Triarch and Medallion was that construction on
[17] the apartment would be complete.
[18] **A:** Finish?
[19] **Q:** Finished by December 31, 2008. Was
[20] that the deal between Triarch and Medallion?
[21] **MR. ISRAEL:** Objection.
[22] You can answer, if you understand.
[23] **A:** I don't know about this one. I
[24] don't know the reason letter.

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[1] **V. Voronchenko**

[2] **Q:** I'm not asking about the letter
[3] generally. You can set the letter completely
[4] aside. I'm just asking you was the deal between
[5] Triarch and Medallion that construction would be
[6] complete by December 31, 2008?

[7] **A:** It's true, I mean their
[8] understanding that Medallion would give — would
[9] give its written approval of schematic design of
[10] each aspect of the project before construction
[11] drawings of aspect, when prepared, it's correct.

[12] **Q:** I want to ask you specifically,
[13] because you read a different portion, which I'm
[14] not asking about, and I want to ask my question
[15] one more time so I could get a clear answer. Was
[16] the deal between Triarch and Medallion that
[17] construction on the project would be completed on
[18] December 31, 2008?

[19] **MR. ISRAEL:** Objection.
[20] You can answer.

[21] **A:** I don't — I don't understand about
[22] what this letter, I mean —

[23] **Q:** Let me suggest we set aside the
[24] letter. Forget about the letter.

[25] **A:** Yes.

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[1] **V. Voronchenko**

[2] **Q:** Was the deal between Triarch and
[3] Medallion that construction on the apartment
[4] would be complete by December 31, 2008?

[5] **MR. ISRAEL:** Objection.

[6] **Q:** You're shrugging your shoulders. Do
[7] you not know one way or the other?

[8] **A:** Listen, I want to tell you, no, you
[9] tried to put me in the middle all the time, you
[10] know, put my — put me — I didn't — I
[11] didn't — I didn't — I am not in the middle of
[12] this process, you know. It was one company who
[13] was responsible for all of this project. This is
[14] Filip Vuckovic, which company, Filip Vuckovic is
[15] Libracon, they spoke about time, about this,
[16] about that. And, you know, I — I spent a lot of
[17] time for design, but I never was involved in all
[18] of this paperwork and this, this, this. I made
[19] decision during one hour to stop to work with
[20] Triarch, it was a lot of the complaints, a lot of
[21] complaints first of all from Libracon's side.

[22] **Q:** I'm just asking about one — I
[23] understand.

[24] **A:** I just don't know why they put
[25] it — I don't even remember about the date, you

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[1] **Q:** know.

[2] **Q:** SO you don't know one way or the
[3] other —

[4] **A:** No.

[5] **Q:** — whether Triarch and Medallion
[6] agreed that construction on the apartment would
[7] be done, be completed by December 31, 2008?

[8] **A:** I don't know this. I don't know.

[9] If they put this number, maybe they have that
[10] agreement, I don't know, because this is Robert
[11] Wise, he's a lawyers, he is a lawyer that put
[12] some numbers. He has some reasons to put the
[13] numbers, he put these numbers, which I think
[14] is — they had some agreement before December 31,
[15] I don't know why he — why he —

[16] **Q:** When you were —

[17] **A:** — sending this information.

[18] **Q:** When you were working on the
[19] project, did you understand that you were working
[20] on behalf of Medallion?

[21] **A:** When who worked?

[22] **Q:** When you were working the project?

[23] **A:** When we working?

[24] **Q:** Yes. When you were working on the

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[1] project, did you understand when you were saying
[2] this design is okay and this design is no good
[3] and this design needs to be changed A, B, C and
[4] D —

[5] **A:** Yeah.

[6] **Q:** — did you understand that you were
[7] making those decisions on behalf of Medallion?

[8] **A:** Who — who make decision?

[9] **Q:** You make the decision?

[10] **A:** Very often I make decision. Very
[11] often I make decision of Libracon.

[12] **Q:** Sometimes Libracon made decisions,
[13] sometimes you made decisions?

[14] **A:** I make decision only about view of
[15] these things.

[16] **Q:** Only about the design?

[17] **A:** I make decision only about design
[18] and about materials, that's it for me. It was
[19] important for me to see all the pictures, you
[20] know, several times asked me, do you need the
[21] pictures? Of course I need the picture, because
[22] pictures is the main — this is the key to make
[23] decision, the pictures, not the — not the
[24] drawings, because the drawings is a dead

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[1] material.
[2]
[3] **MR. ISRAEL:** The problem — I have
[4] an objection, and I don't want to make a
[5] speaking objection. But maybe I can
[6] explain, he testified before about how he
[7] came about to be involved in the project
[8] and he said what he was doing in the
[9] project. But you're asking a question now
[10] that suggests a legal conclusion, and he's
[11] not a lawyer. If you're saying he's doing
[12] something on behalf of somebody, that
[13] suggests legal authority. He already
[14] testified why he was doing it, how he came
[15] to do it and so on.
[16] **MR. MANDEL:** I understand.
[17] **MR. ISRAEL:** So I'm objecting
[18] because you're asking a legal objection
[19] about authority —
[20] **MR. MANDEL:** Understood, understood.
[21] **MR. ISRAEL:** — which he's not
[22] equipped to answer.
[23] **A:** I tried to help you, but I don't
[24] know how.
[25] **Q:** I understand, you're trying to

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[1] answer the questions as best you can. I can see
[2] that you're trying to answer the question. I see
[3] that.
[4] **A:** I'm trying to explain you something,
[5] I tried to show you my — my emotion, you know,
[6] very often, sorry, I can't tell you anything
[7] because I don't know.
[8] **Q:** Mr. Vekselberg wanted you to make
[9] the design decisions —
[10] **A:** Me.
[11] **Q:** — for Medallion, right?
[12] He couldn't care about design. He
[13] wanted you to make the apartment beautiful. He
[14] wanted you to make it so it would be easy for you
[15] to sell it?
[16] **A:** He didn't ask me about what is the
[17] model and what is the style, he doesn't — he
[18] doesn't care about this.
[19] **Q:** Has he ever been to the apartment?
[20] **A:** Yes.
[21] **Q:** What did he think about it when he
[22] saw it?
[23] **A:** Nice.
[24] **Q:** What did you think of the apartment

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[1] now that it's done?
[2] **A:** Me?
[3] **Q:** Yes.
[4] **A:** Finally nice. I think Steve has
[5] maybe opposite feeling as usual, 100 percent he
[6] told me oh, shit, I can make better, but it's, of
[7] course, this is like this. Every designer and
[8] decorator and every doctors always — doctors
[9] always tell like this, I can make better, you
[10] know, because I am doctor in my education.
[11] **MR. ISRAEL:** Lawyers seem to do it
[12] too.
[13] **THE WITNESS:** Huh?
[14] **MR. ISRAEL:** Lawyers seem to do it
[15] too.
[16] **THE WITNESS:** Oh, yeah, yeah, yeah.
[17] **Q:** Did you ever show the book of images
[18] that Triarch gave to you which you testified
[19] about earlier today, did you ever show that book
[20] to Mr. Kaufman?
[21] **A:** I think no. I think no.
[22] **Q:** I'm handing you a copy of
[23] Defendant's Exhibit 21.
[24] **MR. ISRAEL:** Thank you.
[25]

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[1] **Q:** On the bottom portion of this, it's
[2] an e-mail from Ms. Kaufman to Michaela Deiss, and
[3] I'm going to start with the second sentence, "You
[4] yourself told me the last few meetings went very
[5] well and he did as I told you, showed the book to
[6] my parents and at the dinner party for his wife
[7] only two weeks ago. I called my cousin in Moscow
[8] since she works directly underneath him to see if
[9] she had any thoughts. She said that Vladimir
[10] often sends out a letter from an attorney
[11] threatening that he is unhappy and people are not
[12] listening to him."
[13] So does this refresh your memory or
[14] your recollection as to whether you showed the
[15] book to Julie Kaufman's mother or father?
[16] **A:** Just one moment. "Vladimir did not
[17] do anything then and their friendship would not
[18] come between" — by all accounts from him to my
[19] family and from you seems we are — I know you
[20] feel very much in the middle of this and — and
[21] I — and — and it's not easy, well, I'm not
[22] sure — Steve and their friends — future is the
[23] only good thing he has left me — listen, you
[24] want — you want to — you want me to try to be

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[1] **V. Voronchenko**
[2] involved in this — you know, I don't know how
[3] it's called, this is a relations between husband
[4] and wife and ex-wife, partners, you know, it's
[5] always like this. I can't be responsible for —
[6] for — for these things — for these things, you
[7] know.
[8] **Q:** I'm understand. I'm just asking a
[9] very specific question, whether this helps you
[10] remember whether, in fact, you did show Triarch's
[11] book —
[12] **A:** No, I don't remember. As I
[13] remember, I never saw Triarch's book to
[14] Mr. Kaufman. You know as — as I remember, ask
[15] Mr. Kaufman about.
[16] (Plaintiff's Exhibit 47, three-page
[17] document, marked for identification.)
[18] **Q:** I've shown you what has been marked
[19] as Plaintiff's Exhibit 47. It's an e-mail chain,
[20] the second from the top e-mail is an August 19,
[21] 2010 e-mail from Katherine to Oxana Dugina,
[22] D-U-G-I-N-A. "I've asked Italians to send me all
[23] revised files a few times in the last months. I
[24] received an e-mail from Filip to e-mail him" —
[25] **A:** From whom?

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[1] **V. Voronchenko**
[2] **Q:** — "and not Alessandra about it and
[3] I did and they never answered, so no, I have no
[4] revised drawings from Italians and it would be
[5] nice if I could have them."
[6] Did there come any point in time
[7] when the Italian factory stopped responding to
[8] requests for information?
[9] **A:** I don't understand the questions.
[10] **Q:** Sure. Filip, the reference to Filip
[11] may be Filip from Libracon or it may not be?
[12] **A:** Who is Katherine?
[13] **Q:** Katherine — it says Katherine's
[14] address is at Pepe Calderin's design, so she may
[15] be from Pepe Calderin's office?
[16] **A:** To Oxana.
[17] **Q:** It seems she's trying to get
[18] information from the Italians and Libracon and
[19] she's having trouble. So I was going to ask, was
[20] there ever a point in time when the Italian
[21] factory stopped responding to requests of
[22] information or stopped working on the project?
[23] **A:** Italians stopped working on the
[24] project?
[25] **Q:** Yes. Did that ever happen?

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[1] **V. Voronchenko**
[2] **A:** No. From what is it?
[3] **Q:** Was there ever any dispute with the
[4] Italians?
[5] **A:** No, it was everything okay with the
[6] Italians.
[7] **Q:** There was no time in which Medallion
[8] was not paying the Italians?
[9] **A:** For what is it?
[10] **Q:** I wouldn't know, I'm asking. So as
[11] far as you're aware, there was never any dispute
[12] with the Italians of any kind?
[13] **A:** No, no.
[14] **MR. MANDEL:** No further questions
[15] about that exhibit.
[16] **Q:** Have you heard of the company called
[17] D Group?
[18] **A:** D Group?
[19] **Q:** Yes. Just the letter D, space,
[20] Group, G-R-O-U-P.
[21] Does Mr. Braderman speak Russian?
[22] **A:** Very well.
[23] **Q:** Is he from Russia?
[24] **A:** Yes.
[25] (Plaintiff's Exhibit 48, document

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[1] **V. Voronchenko**
[2] bearing Bates numbers MED 433 - MED 439,
[3] marked for identification.)
[4] **Q:** Plaintiff's Exhibit 48 is an e-mail
[5] with an attachment. It begins on Bates number
[6] page MED 433 and continues through MED 439.
[7] Do you recognize this document,
[8] Mr. Voronchenko?
[9] **A:** No.
[10] **Q:** Is this the contract between
[11] Medallion and Libracon?
[12] **A:** I don't know.
[13] **MR. ISRAEL:** This must be it.
[14] **A:** Oh, it's maybe, but the idea, I
[15] never saw this. Where is the signature? It
[16] seems to be contract.
[17] **Q:** Do you know when this contract was
[18] dated?
[19] **A:** No. No idea.
[20] **Q:** How about on the top — on the
[21] second page of this exhibit, on the top line, is
[22] there a date?
[23] **A:** Second page?
[24] **Q:** Right here.
[25] **MR. MANDEL:** Wait a minute, your

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[1] **V. Voronchenko**
[2] exhibit is different than mine. This is a
[3] problem. His copy is missing a page, is
[4] yours missing a page? Page 434 is missing
[5] from this copy.
[6] **MR. ISRAEL:** It's missing from mine
[7] too.
[8] **MR. McKEE:** Mine too.
[9] **MR. MANDEL:** I am going to hunt up
[10] my copy.
[11] **Q:** I'm handing you a document that is
[12] not Plaintiff's Exhibit 48, and at the top of
[13] that page that I'm pointing to, is that a date?
[14] **A:** I don't know. Show me again.
[15] **MR. McKEE:** What is this supposed to
[16] run through? What is the last page?
[17] **MR. MANDEL:** 439.
[18] **MR. McKEE:** Where is the signature
[19] blocks?
[20] **MR. MANDEL:** I don't know. This is
[21] what I got.
[22] **MR. ISRAEL:** Which means this is
[23] what I got.
[24] **A:** It can — it can be several
[25] contracts, because why you say you have the

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[1] **V. Voronchenko**
[2] project of February of 2008 from Libracon on this
[3] apartment and I signed several contracts about
[4] this. You showed me 1st of October 2008, but a
[5] lot of nice, beautiful project it was February
[6] 2008. I can't tell you anything about this.
[7] **Q:** Well, I don't read Cyrillic. Do you
[8] know what the scope of services in this contract
[9] is supposed to be?
[10] **A:** I'm just wondering what you see.
[11] Sorry, what?
[12] **Q:** What services was Libracon supposed
[13] to provide to Medallion in this contract?
[14] **A:** Let's see, let's read about this.
[15] **MR. ISRAEL:** I just want one point,
[16] if he's going to give you what his idea of
[17] what this says, he's not an official
[18] translator.
[19] **MR. MANDEL:** Agreed.
[20] **MR. ISRAEL:** I just want to point
[21] out that we don't know that we're going to
[22] be getting perfect interpretation.
[23] **MR. MANDEL:** I agree.
[24] **A:** Now I understood. When I took the
[25] Triarch, you know, they sended this new agreement

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[1] **V. Voronchenko**
[2] that Libracon will official continue this project
[3] together with Triarch, this is a means of this
[4] document, you know.
[5] **Q:** So that document was entered into
[6] when Triarch began work on the project?
[7] **A:** Yes. This is a document
[8] when — their — their obligation was to make
[9] this deal together with Triarch, you know,
[10] because when we worked with Libracon before
[11] Triarch, and I gave Triarch all documentation
[12] from Libracon, included all this pictures and
[13] projects and la-la-la-la-la-la, you know.
[14] And — but when I took the Triarch,
[15] I took official Libracon to — to — to do this
[16] to get — they do this, they do the job of
[17] Triarch, Libracon, because if you check all
[18] American market, you know nobody take two or
[19] three companies for one project. It was all of
[20] this obligation of Libracon is — obligation of
[21] Triarch.
[22] I just try to help Triarch and
[23] that's it, I spent additional money, but all of
[24] this was Triarch obligation. Libracon — Triarch
[25] has to pay Libracon for their job, you know, what

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[1] **V. Voronchenko**
[2] but I paid for Triarch, because you see my
[3] contract with Triarch, not anyone questioned
[4] about additional companies who has to work — who
[5] has to work with Triarch. Everything is
[6] obligation of Triarch. This is like my stupid
[7] present for them.
[8] **Q:** Thank you. Who is Sergey
[9] Voronchenko?
[10] **A:** My son.
[11] **Q:** And did he work on this project at
[12] all?
[13] **A:** Not really. No, it's hundred people
[14] tried to help to this project without any reason
[15] and without any money, hundred people. People
[16] tried to help to everybody.
[17] (Plaintiff's Exhibit 49, one-page
[18] document dated May 29, 2012, marked for
[19] identification.)
[20] **MR. McKEE:** Were is this? 49.
[21] **A:** What is the question? Tempora, who
[22] is Tempora?
[23] **Q:** Tempora is a name of an Italian
[24] company who may be the Italian company that you
[25] have been referring to today as the Italian

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[1] **V. Voronchenko**
[2] factory, or it may not be, I just don't know.
[3] So who is Robert Wise?
[4] **A:** Robert Wise is a lawyer.
[5] **Q:** And what role does — what —
[6] **A:** He's working for Medallion.
[7] **Q:** And would he pay Medallion's bills?
[8] **A:** Yes.
[9] **Q:** Why did a lawyer play that role?
[10] **A:** Because Medallion sent money
[11] for — first they cleared it here of the process,
[12] that's it, and better calculation. Medallion
[13] send the money to escrow account of lawyer and
[14] lawyer pays the — everybody. It's model
[15] convenient for Medallion, not for me; for me it
[16] doesn't matter how it's paid.
[17] But I ask my son before to send
[18] invoices to Medallion, bookkeeper team to check
[19] and to see how it's look.
[20] **Q:** And other than sending invoices,
[21] what role did Sergey play on this project?
[22] **A:** Just to see. He's very well
[23] educated guy and to see the invoices before to
[24] send to Medallion and ask him to help me with
[25] this, because I feel responsibility for

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[1] **V. Voronchenko**
[2] clear — clear situation with all of these
[3] things, you know.
[4] My son has huge business, and he is
[5] very successful business, but this is not his
[6] level of the job, he's almost 39 years old.
[7] (Plaintiff's Exhibit 50, two-page
[8] document, marked for identification.)
[9] **Q:** I've handed you what has been marked
[10] as Plaintiff's Exhibit 50, it is an e-mail, the
[11] second e-mail in the chain, it's two pages, but
[12] the second e-mail on the chain is from Ceranic,
[13] C-E-R-A-N-I-C, Dejan, D-E-J-A-N, to Pepe
[14] Calderin. And it's dated August 3, 2009, and
[15] I'll read part of it Mr. Filip Vuckovic, company
[16] Libracon from Moscow, the site in New York is
[17] ready for us to come and take all measurements
[18] necessary for our production.
[19] **A:** And the question is? What was the
[20] question?
[21] **Q:** Do you know when Mr. Dejan came to
[22] New York to take measurements of the apartment?
[23] **A:** I don't know. Definitely —
[24] definitely after Triarch, definitely after
[25] Triarch situation, because he send it to Pepe

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[1] **V. Voronchenko**
[2] Calderin, Inc.
[3] **Q:** Right.
[4] **A:** And he came to measure, I know
[5] during — during the — my work with Triarch, we
[6] didn't move or anything, even the Italian company
[7] came to make the measurement with Pepe Calderin,
[8] it happened when it happened, what day —
[9] **Q:** Got you.
[10] **A:** — June, June 1st.
[11] **Q:** This e-mail was sent August 3, 2009?
[12] **A:** Yeah.
[13] **Q:** Yes?
[14] **A:** Only 2009, only 2009.
[15] **Q:** So you terminated —
[16] **A:** Can you imagine how many time I lost
[17] with this — with this Triarch company.
[18] **Q:** Well, you terminated Triarch in
[19] January 2009, so —
[20] **A:** Yeah.
[21] **Q:** This seems to indicate that it took
[22] Mr. Calderin until August of 2009 to get his
[23] designs completed.
[24] **A:** Eight months, you can imagine, eight
[25] months.

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[1] **V. Voronchenko**
[2] **Q:** So did it take Mr. Calderin eight
[3] months to get the designs to you?
[4] **A:** He worked very hard with design.
[5] Not only design, but he works with all what you
[6] saw in apartment, not only design.
[7] **Q:** He helped in all aspect of the
[8] renovation and decoration, correct?
[9] **A:** Yes, of course he has, yes.
[10] **Q:** I'm just trying to understand.
[11] Earlier you testified that —
[12] **A:** He did all the job of Triarch
[13] company.
[14] **Q:** Right.
[15] Earlier you testified that
[16] Mr. Calderin completed his work within a few
[17] weeks, and I want to understand from this e-mail,
[18] this e-mail makes it look like it may have taken
[19] at least seven months from the time you fired
[20] Triarch to the time you had designs from
[21] Mr. Calderin.
[22] **MR. McKEE:** Note my objection to
[23] form.
[24] **MR. ISRAEL:** Note my objection I'm
[25] not sure he did testify to that. If he

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[1] **V. Voronchenko**
[2] did, he did.
[3] Did you get his question now that
[4] he's asking you.
[5] **A:** It's very unusual question.
[6] Why — why it's long time? I don't know why long
[7] time, because it's — it's the process, it is a
[8] very hard job to find every detail, every small
[9] things, you know.
[10] The main difficulties is not to
[11] build the walls, it's main difficulties is to
[12] find the right items for that part, this is the
[13] main things for the —
[14] **Q:** Was there some reason the Italian
[15] companies' invoices would have been put on
[16] Libracon's — onto Libracon's invoices?
[17] **A:** The reason to Italian invoices, to
[18] send to Libracon invoices?
[19] **Q:** Yes. Would there have been some
[20] reason why Libracon would have added the Italian
[21] factories' fees to Libracon's invoices?
[22] **MR. McKEE:** Can I have that question
[23] read back, please.
[24] (The record is read.)
[25] **MR. ISRAEL:** Did they do that?

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[1] **V. Voronchenko**
[2] **MR. MANDEL:** I don't know. I am
[3] going to get to an exhibit in a minute, but
[4] I want to see if we're wasting our time.
[5] **A:** No, no comment.
[6] **Q:** You don't know one way or the other?
[7] **A:** I don't know about — about
[8] what — I don't know about what you are talking.
[9] (Plaintiff's Exhibit 51, document
[10] bearing Bates numbers MED 442 and MED 443,
[11] marked for identification.)
[12] **Q:** Plaintiff's Exhibit 51. Plaintiff's
[13] Exhibit 51 is two pages, it begins on Bates
[14] number page MED 442 and continues to 443.
[15] And there Sergey Voronchenko or
[16] Filip — excuse me, Mr. Vuckovic is sending an
[17] e-mail to Mr. Sergey Voronchenko saying I'm
[18] sending you some invoices from Tempora from my
[19] name, as you see.
[20] **A:** And what?
[21] **Q:** So do you have any understanding as
[22] to why Tempora's invoices would have been added
[23] to Libracon's invoices?
[24] **A:** Because Libracon has to check the
[25] Tempora invoice, because nobody saw Tempora

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[1] **V. Voronchenko**
[2] except Libracon. Tempora is a company of
[3] Libracon, it means they find this company. I was
[4] very upset with this because Italian company
[5] produce everything for New York apartment, it's
[6] ridiculous.
[7] **Q:** Did Tempora produce any materials
[8] that were not used for the apartment?
[9] **A:** Did Tempora?
[10] **MR. ISRAEL:** Objection, calls for
[11] speculation.
[12] If you know the answer you can
[13] answer.
[14] **A:** Tempora produced —
[15] **Q:** — some materials that wound up not
[16] being used?
[17] **MR. ISRAEL:** Did it send over any
[18] materials, right, did he provide any
[19] materials to Medallion, not that it
[20] produced materials because he wouldn't
[21] know — no one would know whether it did.
[22] **Q:** I mean, what I'm getting at is
[23] did — after the Italian factory was sent the
[24] designs, and after they produced the designs that
[25] they were sent —

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[1] **V. Voronchenko**
[2] **A:** Yes.
[3] **Q:** — did anything in the design change
[4] such that the materials that the Italian factory
[5] had created were no longer going to be used in
[6] the project?
[7] **MR. ISRAEL:** Objection. I can't
[8] imagine he can get that one, I don't get it
[9] either.
[10] **A:** We change — we change something
[11] during the process.
[12] **Q:** During the construction process?
[13] **A:** Yes.
[14] **Q:** What did you change during the
[15] construction process?
[16] **A:** I don't remember, but something, we
[17] changed the doors, we changed some of
[18] the — another elements, and then produced
[19] something, but it was wrong and/or we made
[20] another decision to change the design because it
[21] happened, and they produced new one because we
[22] cancel previous one.
[23] **Q:** And did they charge you for the old
[24] ones?
[25] **MR. ISRAEL:** Who, Libracon? The

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[1] **V. Voronchenko**
[2] Italians?
[3] **Q:** The Italian factory.
[4] **A:** Of course, they charge for
[5] everything.
[6] **Q:** Did you make a lot of things change
[7] in the design over the course?
[8] **A:** I don't remember. Please. Please.
[9] **MR. ISRAEL:** Give him a break.
[10] **A:** Please, I don't need — I don't need
[11] break but no, it's you — I tried to help you
[12] but —
[13] **Q:** Look, Mr. Voronchenko —
[14] **A:** Yes.
[15] **Q:** — it's perfectly okay to not know
[16] the answer to some of these questions, and if you
[17] don't know the answer you shouldn't make up the
[18] answer, you shouldn't guess.
[19] **A:** No, no. I don't want to — I don't
[20] want to tell you no, no, no. I tried to help
[21] you, you know. I can — to take the position
[22] from every question to tell you, no, no, but I
[23] tried to help you, no, I'm not looking through
[24] you like this.
[25] **Q:** Okay, was there any palisander wood

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[1] **V. Voronchenko**
[2] in the foyer?
[3] **A:** No palisander wood in the foyer. We
[4] changed completely this idea.
[5] **Q:** Did the Italian factory manufacture
[6] the palisander wood for the foyer?
[7] **A:** I don't remember.
[8] (Plaintiff's Exhibit 52, document
[9] bearing Bates numbers MED 367 - MED 380,
[10] marked for identification.)
[11] **Q:** I'm handing you what has been marked
[12] as Plaintiff's Exhibit 52. It begins on Bates
[13] MED 367 and continues through MED 380 and I would
[14] like to draw your attention to 370.
[15] **A:** 370? Oh, 370, and what?
[16] **Q:** And it says on the top of the page,
[17] it says for "palisander," and it gives different
[18] elevations and it appears that they created — I
[19] don't want to put words in your mouth.
[20] **A:** I don't want to see this, no
[21] palisander in foyer.
[22] **Q:** Was Medallion billed for palisander
[23] wood for the foyer?
[24] **A:** I don't know, I don't know.
[25] **Q:** I only have questions about two

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[1] **V. Voronchenko**
[2] pages, it is a long exhibit. I just have
[3] questions about two page. I ask you to take a
[4] look at this page —
[5] **A:** Which one?
[6] **Q:** 370.
[7] **MR. ISRAEL:** It looks like it's an
[8] estimate, though, isn't it?
[9] **MR. MANDEL:** Is it?
[10] **MR. ISRAEL:** It says, in the front,
[11] "Estimate." So if it's an estimate, it
[12] might just be projecting what these — I'm
[13] just guessing.
[14] **MR. MANDEL:** It's a very good point.
[15] **Q:** Do you know if this was an estimate
[16] or this was a final invoice?
[17] **A:** Who knows? See, I see first time
[18] all of these things, you ask from wrong — from
[19] wrong person, you know.
[20] **Q:** Mr. Braderman would know about this,
[21] right?
[22] **A:** He definitely know.
[23] **Q:** He won't know about this stuff?
[24] **A:** Mr. Braderman lived this project in
[25] this time, he'll know.

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[1] **V. Voronchenko**
[2] **Q:** Let me ask you a more general,
[3] bigger picture question, which might be better
[4] for you. Am I correct that you made a lot of
[5] changes to the designs over the course of the
[6] several years that you were working on this
[7] project?
[8] **A:** Of course.
[9] **Q:** And did some of those changes slow
[10] down the process of getting the job done?
[11] **A:** You know, we made all the decision
[12] with Pepe very short. After this I am not
[13] interested of this project anymore, I didn't on
[14] this project until it was finished, I was very
[15] angry and I was very upset with this project, and
[16] I didn't want him to hear about this project in
[17] general, I wanted to tell him like a friend.
[18] **Q:** Why were you upset about the
[19] project?
[20] **A:** Because I don't — didn't
[21] understand. You know, sometimes when you started
[22] to do some things, one thing goes very well
[23] another — but sometimes in your life you try to
[24] do something, you know, and from the first step
[25] it is shit, you know, from the first step it's

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[1] **V. Voronchenko**
[2] shit. And all of this project is shit until now,
[3] until today. Every day, every month, every year.
[4] And very, very frankly speak.
[5] **MR. ISRAEL:** You should also look at
[6] 379, because it says at the bottom, "will
[7] be charged separately," so it is
[8] suggesting, at least to me, that it is
[9] using future — that language suggests that
[10] it is talking about something that would
[11] happen in the future, bottom of 379.
[12] **MR. MANDEL:** Sure.
[13] **Q:** So just to be clear, is it your
[14] testimony that after Mr. Calderin figured out the
[15] design that you didn't make any changes to it
[16] after the fact? I thought —
[17] **A:** Small, small, small. We change last
[18] time some doors, some panel, because we made some
[19] mistake, and the Italian people made some
[20] mistake. It's like — like — as I remember, you
[21] know. Because I remember we changed the doors,
[22] some doors. I don't even remember for what
[23] reason, but I remember we changed. Somebody, to
[24] put another way, left to right, or something like
[25] this, it's mistake. It's mistake, human mistake.

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[1] **V. Voronchenko**
[2] And some sizes it was mistake, some sizes,
[3] telling people bring this from Italy and put
[4] this — somebody made mistake. That's it.
[5] **Q:** Do you think —
[6] **MR. MANDEL:** Withdrawn.
[7] **Q:** On this project you were, in a
[8] sense, the client, because you were going to be
[9] living in the apartment. Do you think — some
[10] clients are easy to work with, some clients are
[11] difficult to work with, there is a spectrum or,
[12] you know, a range.
[13] Do you think you're on the more
[14] difficult side of the spectrum or the more easy
[15] side of the spectrum?
[16] **MR. ISRAEL:** Objection.
[17] **A:** Me?
[18] **Q:** Yes.
[19] **A:** I — I think I'm a very easy person.
[20] **Q:** You're a very easy person?
[21] **A:** I make all the decision like this.
[22] **Q:** You make all the decision quickly?
[23] **A:** Yes. Yes, yes, no, yes, no, yes,
[24] no, and immediately.
[25] **Q:** There were no decisions that you

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[1] **V. Voronchenko**
[2] took time on?
[3] **A:** I made decision very, very quickly,
[4] in one second I like or I don't like, and that's
[5] it. I never think months or weeks immediately.
[6] Yes, no, yes, no.
[7] **Q:** And are there —
[8] **A:** When I told not, I try to explain
[9] why not. I tried to — to move these people
[10] right way.
[11] **Q:** Is there anything about you that
[12] makes you a more difficult client?
[13] **MR. ISRAEL:** Objection.
[14] **A:** Sorry, again?
[15] **Q:** Are there — you said you made
[16] decisions quickly?
[17] **A:** Yes.
[18] **Q:** But is there anything about you that
[19] makes you a more difficult client?
[20] **A:** Around — people around me.
[21] **Q:** On this type of project, not sort of
[22] generally, on this type of renovation and
[23] decoration of an apartment?
[24] **A:** Listen, we know what happened in
[25] general. I made mistake from the beginning and

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[1] **V. Voronchenko**
[2] then I took the Triarch, this was my first
[3] mistake after this — after this project was like
[4] this, you know. Can you imagine the Libracon
[5] Moscow; Italian, Italy; Pepe Calderin in Miami,
[6] can you imagine this project, how it was moving
[7] this project? It was not — it was piece of
[8] shit, you know, from the beginning because bad,
[9] absolutely bad, you understand what I mean? It
[10] was — all the job has to make one company, one
[11] located in New York, no Libracon, no Italian, no
[12] Miami, it has to be from the first to second.
[13] But when I started to work with — with Triarch,
[14] you know, I understood they are not bad people,
[15] they are not bad professionals, they are good,
[16] normal company. Only one problem. They are very
[17] far from this period which I'm work. They
[18] concentrate, they work all their life with a
[19] typical Manhattan style, you understand what I
[20] mean?
[21] Manhattan, when you visit 50
[22] apartments, 49 and 47, now you will see very
[23] similar design, black line, black wood, white
[24] this one and it's very similar. It's nice. No
[25] doubt about this. I not complain. It's very

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[1] **V. Voronchenko**
[2] nice. But I looked for that moment, I looked for
[3] a little bit, and other things. They were not
[4] correct people to do this. This is what was my
[5] mistake. After this it make like this, like a
[6] mess. This is a general.
[7] **Q:** Would it surprise you if Garth
[8] testified that you were a difficult client?
[9] **A:** Garth?
[10] **Q:** Yes.
[11] **A:** Listen, I saw Garth one or two times
[12] in my life, maybe one, four years ago. I think
[13] one. I don't know how he can —
[14] **MR. ISRAEL:** Sounds like a difficult
[15] client to me.
[16] **A:** Difficult client, you know, who
[17] spend hours, hours together and tell something
[18] and change something. I — la-la-la-la. I saw
[19] him one time in my life, 10 minutes or five
[20] minutes four years ago, maybe I am tired from
[21] him, I am not easy person.
[22] **Q:** Do you think you might be difficult
[23] in the sense that you're a very demanding person,
[24] you want it to be a certain way and other people
[25] might care a little less about how it looks?

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[1] **V. Voronchenko**
[2] **A:** I am sorry. Please, again, I
[3] understand you're tired with my bad knowledge of
[4] language, but could you repeat it?
[5] **Q:** Of course. There is no reason to
[6] apologize. Like I said, I couldn't be deposed in
[7] Russian, so you're doing far better than I would
[8] do.
[9] Some people have high standards,
[10] some people have low standards. Do you think
[11] people think you're difficult because you have
[12] high standards?
[13] **MR. ISRAEL:** Evan, come on.
[14] Objection. Go ahead.
[15] **A:** Listen, I looking for high
[16] standards, good, bad, I always looking for good,
[17] not high for good standards.
[18] In New York not too many people
[19] concentrate with the walls I like, with the
[20] quality I like, this is of course difficult —
[21] difficulties. It creates difficulties between us
[22] because I am looking for the good quality. In
[23] New York people more — more cool with the
[24] situation, you know, and this is because it can
[25] be — it's human factor, it's always, you know,

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[1] **V. Voronchenko**
[2] it's always human, human factor, it's here too.
[3] **MR. MANDEL:** Let's go off the record
[4] for one second.
[5] (Discussion held off the record.)
[6] (Time noted: 2:23 p.m.)
[7] (A brief recess is taken.)
[8] (Time noted: 2:35 p.m.)
[9] (Plaintiff's Exhibit 53, document
[10] bearing Bates numbers MED 315 - MED 324,
[11] marked for identification.)
[12] **Q:** I've handed what you has been marked
[13] as Exhibit 53, which begins on Bates number page
[14] MED 315 and goes through page MED 324. Do you
[15] recognize this document?
[16] **A:** 324?
[17] **Q:** That is just for the record. I'm
[18] asking you do you recognize Plaintiff's Exhibit
[19] 53. Do you know what it is?
[20] **A:** This one?
[21] **Q:** Yes. What is that?
[22] **A:** I saw this — I saw this in real
[23] life, not like this paper.
[24] **Q:** You saw this?
[25] **MR. ISRAEL:** In real life.

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[1] **V. Voronchenko**
[2] **A:** In real life. I saw all this
[3] materials as a book, I told you, I never saw like
[4] this. I don't know from who he prepared this,
[5] because how can you use this — this picture? I
[6] — all — I saw all materials in real life.
[7] **Q:** And Mr. Calderin prepared this?
[8] **A:** Yes.
[9] **Q:** And is this everything, are these
[10] all the computer images he prepared or did he
[11] prepare images in addition to these images?
[12] **A:** No, I had color images, and before
[13] color images the real life material for every
[14] images.
[15] **Q:** And the book that you were handed,
[16] were you handed a book or were you handed
[17] individual pieces of paper, if you know?
[18] **A:** It was like maybe like a big staple.
[19] **Q:** Like a binder?
[20] **A:** Something like this.
[21] **Q:** With metal rings?
[22] **A:** For every drapery it was like a
[23] separate — separate one or two pages, like not
[24] pages, it's like —
[25] **Q:** Like boards?

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[1] **V. Voronchenko**
[2] **A:** Yeah, heavy. One is picture and
[3] another one the real — real materials. And
[4] if — for example, if you need steel — steel
[5] stick, it's — I saw the real steel stick, for
[6] example.
[7] **MR. ISRAEL:** You answered his
[8] question.
[9] **Q:** I got it. I got it.
[10] **MR. ISRAEL:** You answered his
[11] question.
[12] **Q:** Do you recall when Mr. Calderin gave
[13] this to you?
[14] **A:** Sorry?
[15] **Q:** When — do you recall when did
[16] Calderin give this to you, if you remember?
[17] **A:** This one?
[18] **Q:** The sheets you're describing.
[19] **A:** I don't remember. Before we started
[20] to buy.
[21] **Q:** Turning your attention to the second
[22] page, which says dining room on it, was this the
[23] only image of the dining room you were given, or
[24] were you given other images of the dining room?
[25] **A:** No, I have — you mean the

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[1] **V. Voronchenko**
[2] draperies?
[3] **Q:** No, I mean this is a computer image,
[4] right?
[5] **A:** Right.
[6] **Q:** Was this the only computer image you
[7] were given by Mr. Calderin of the dining room, or
[8] did he give other images as well?
[9] **A:** I had the colorful images of exactly
[10] my windows, because he showed me this in general
[11] how it looks in another — in another apartment.
[12] I don't know who apartment. This is — look at
[13] this, this is the image of my apartment, this is
[14] the image, just try to sell me the feeling of how
[15] it looks in general.
[16] **Q:** I see.
[17] **MR. MANDEL:** This is a question for
[18] Mr. Israel.
[19] Has whatever he's been describing
[20] been produced, if you know.
[21] **MR. ISRAEL:** I asked for everything
[22] and you know I do my due diligence, I can't
[23] swear that everything has been produced,
[24] but as you can see, we're still getting
[25] additional documents. I'm producing

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[1] **V. Voronchenko**
[2] everything that I get, but I've been asking
[3] for everything. Some of this stuff comes
[4] from Wise and some of it is from overseas
[5] and we're doing everything that we can do.
[6] **MR. MANDEL:** Have you seen what he's
[7] describing?
[8] **MR. McKEE:** A book from Pepe
[9] Calderin?
[10] **MR. MANDEL:** Or individual sheets or
[11] books or something?
[12] **MR. McKEE:** No, I've seen —
[13] **MR. MANDEL:** I want to make sure I
[14] wasn't missing anything.
[15] **MR. McKEE:** I have seen whatever
[16] Kelner may have responded to that subpoena
[17] or whatever. Did he respond to your
[18] subpoena? Did he forward you stuff?
[19] **MR. MANDEL:** Yes.
[20] **MR. McKEE:** That would be the same
[21] stuff he forwarded to me, I guess.
[22] **MR. ISRAEL:** I would like to see
[23] what he forwarded to both of you. I don't
[24] have it.
[25] **MR. McKEE:** He said he's forwarded

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[1] **V. Voronchenko**
[2] it to you also.
[3] **MR. ISRAEL:** Maybe it's in my spam
[4] filter, I don't have it.
[5] If I didn't produce it to you, that
[6] means I don't have it. Did I produce to
[7] you the stuff that Pepe sent to you?
[8] **MR. MANDEL:** I don't know. I mean
[9] you produced stuff today. I haven't
[10] compared it.
[11] **MR. ISRAEL:** This wouldn't be today.
[12] The stuff I sent you today.
[13] **MR. MANDEL:** I don't think you
[14] produced it.
[15] **MR. ISRAEL:** I didn't get it. If
[16] you can send me a copy of his stuff, if you
[17] can e-mail it, I would appreciate it.
[18] **A:** You asked me how many hours, how
[19] much time Triarch spent for this project, do you
[20] remember?
[21] **Q:** Yes.
[22] **A:** Triarch has to spend ten — ten
[23] times more hours than he — than he spent.
[24] **Q:** You think Mr. Calderin spent 10
[25] times more than Triarch?

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[1] **V. Voronchenko**
[2] **A:** Of course he did.
[3] **Q:** If it turned out that Triarch and
[4] Mr. Calderin had spent the same amount of time,
[5] would that change your opinion as to how much
[6] Triarch was entitled to?
[7] **MR. ISRAEL:** Objection.
[8] **A:** I don't know.
[9] **MR. MANDEL:** Let's go off the record
[10] for a one second.
[11] (Discussion held off the record.)
[12] **Q:** I'm showing you that what has been
[13] marked as Defendant's Exhibit 7. Do you
[14] recognize this document, Mr. Voronchenko?
[15] **A:** No.
[16] **Q:** Have you ever seen this before in
[17] your life?
[18] **A:** Never.
[19] **Q:** Do you know if Triarch ever provided
[20] this document to you or anybody at Medallion?
[21] **MR. ISRAEL:** Objection.
[22] **A:** No.
[23] **MR. ISRAEL:** Calls for speculation.
[24] **A:** I never — I told you, I never saw
[25] these documents.

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[1] **V. Voronchenko**
[2] **Q:** Did Triarch ever do any work at all
[3] on the master bathroom?
[4] **A:** Never.
[5] **Q:** I am showing you on the first page
[6] here, it's labeled A-13, it says —
[7] **A:** Okay.
[8] **Q:** — master bathroom —
[9] **A:** Okay.
[10] **Q:** — elevations. I'm going to turn to
[11] page A-13. I am showing you page A-13. Does
[12] this page look familiar to you?
[13] **A:** I never saw this. We have
[14] completely different design now. Completely
[15] different.
[16] **Q:** Are there any similarities
[17] between —
[18] **A:** No.
[19] **Q:** — page A-13 and the final design?
[20] **A:** No. Everything is different.
[21] Everything is different.
[22] **Q:** I'm going to show you A-19, where it
[23] says "details master bathroom."
[24] **A:** Okay.
[25] **Q:** Do any of these details look

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[1] **V. Voronchenko**
[2] familiar to you?
[3] **A:** No, absolutely — we have absolutely
[4] different. I see first time this. We have
[5] absolutely different — different master
[6] bathroom, as I saw. As you saw, sorry. What is
[7] the date of the production of this?
[8] **Q:** Here it says December 23, 2008.
[9] **A:** Oh, good.
[10] **Q:** Whether I believe it is not really
[11] something that should go in the record, but let's
[12] see, the foyer elevations, let's show you the
[13] foyer elevations, A-7.
[14] **A:** This, it seems this is not true, all
[15] of these papers — not all, but most of them,
[16] somebody created these papers after I
[17] stop — after our stop relations with Triarch.
[18] **Q:** Are you certain about that?
[19] **MR. ISRAEL:** No. Listen, there is
[20] no question pending, you don't just — you
[21] wait until there is a question and you
[22] answer the question.
[23] **A:** Okay, okay. This is a detail what?
[24] **Q:** This is the foyer elevations?
[25] **A:** You asked me about the master

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[1] **V. Voronchenko**
[2] bathrooms something.
[3] **Q:** That was before, this is a whole new
[4] page, this is a totally separate question.
[5] **A:** Okay.
[6] **MR. McKEE:** Sheet what?
[7] **MR. MANDEL:** This is A-7 in
[8] Defendant's Exhibit 7.
[9] **Q:** And I'm asking if any of these
[10] elevations of the foyer look familiar to you?
[11] **A:** No, we change everything.
[12] Everything, we change everything because no foyer
[13] like this one —
[14] **Q:** Do you know —
[15] **A:** — at all.
[16] **Q:** Sorry. I didn't mean to interrupt?
[17] **A:** Completely change.
[18] **Q:** And do you know whether you ever
[19] received page A-7?
[20] **A:** Sorry?
[21] **Q:** Did you ever receive this — do you
[22] know if you ever received this page while you
[23] were working with Triarch?
[24] **A:** I saw the pictures of — I saw the
[25] pictures of — that you showed me before. I

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V. Voronchenko

[1] never saw this page.
[2] **Q:** Okay.
[3] **A:** I saw the pictures of what you
[4] showed me before from the beginning.
[5] **Q:** Do you know if page A-7 was ever
[6] provided to anyone associated with Medallion?
[7] **A:** I don't know. I see this first
[8] time, but this is all different, now it's
[9] absolutely another everything.
[10] **Q:** Let's turn to A-8, page A-8 of
[11] Defendant's Exhibit 7, and these are the living
[12] room elevations. Have you ever seen this page
[13] before?
[14] **A:** Listen, I didn't see this documents,
[15] I saw — I saw the pictures.
[16] **Q:** Understood. I don't have to ask you
[17] this question again.
[18] **A:** I saw the pictures.
[19] **Q:** You never saw the construction
[20] drawings from Triarch?
[21] **A:** No.
[22] **Q:** You don't know if anyone else from
[23] Medallion saw the construction drawings from
[24] Triarch, correct?
[25]

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V. Voronchenko

[1] **A:** This was —
[2] **MR. ISRAEL:** He's not asking about
[3] whether it's different.
[4] **Q:** Not yet.
[5] **A:** Yes.
[6] **Q:** I'm asking whether you know if
[7] anyone at Medallion ever received any
[8] construction drawings from Triarch?
[9] **A:** I don't know.
[10] **Q:** So now I'll ask you about A-8. Did
[11] any aspect of these drawings wind up in the final
[12] designs?
[13] **A:** I don't understand what is it,
[14] floated panel, lower floated panel, what is
[15] floated?
[16] **Q:** I don't know what that means either,
[17] but if any of this — I'm just asking if any of
[18] this looks familiar in that it was used during
[19] the final designs?
[20] **A:** Panel designs? Listen, I don't
[21] understand very well the drawings. You show me
[22] the pictures I will tell you what I use or what I
[23] not use. I am not professional engineer or
[24] builder.
[25]

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V. Voronchenko

[1] **Q:** It is hard for you to understand how
[2] these drawings translate into real life?
[3] **A:** No, of course I — I ten times told
[4] you, I need the whole project in the pages in the
[5] apartment, not in this. He has to send to
[6] somebody who will build this, not for me. I
[7] don't want to even talk about this. I am not an
[8] engineer, I don't talk about the size or the
[9] inches, you know, I'm looking for design, not for
[10] this one. When you showed me the paper, 15
[11] percent for the whole 100 percent design, it's
[12] whole hundred percent design, it has to be room
[13] by room, absolutely on all rooms in the
[14] apartment.
[15] **MR. ISRAEL:** He's not asking about
[16] that.
[17] **A:** And this is my signature everything.
[18] This is it.
[19] **MR. ISRAEL:** He's not asking you —
[20] he's not asking you about that.
[21] **A:** I have to pay 15 percent, not this
[22] one.
[23] **MR. ISRAEL:** He's not asking you
[24] about that. He's asking you if you have
[25]

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V. Voronchenko

[1] seen it before, okay, just focus on what
[2] he's asking you.
[3] **A:** What is that?
[4] **Q:** This is the dining room elevation,
[5] I'm now showing you a A-9. Does any of this look
[6] familiar to you in any way?
[7] **A:** No, absolutely not, because we don't
[8] have door anymore, we don't have this wall
[9] anymore.
[10] **Q:** And 10, here are the kitchen
[11] elevations, and do these look familiar to you in
[12] any way?
[13] **A:** No, absolutely not, absolutely
[14] never. Not even close to this. This is original
[15] kitchen like before, exact. It is design of
[16] original building, it was builded from the
[17] beginning. Another thing is different. Because
[18] we never — when we — you know, this
[19] is — again, this is a fake. You know why?
[20] Because we never even talk about kitchen.
[21] Because we didn't — we never talk about kids'
[22] bedrooms, we never talk about the bathrooms, we
[23] never talk about the kitchen. We stopped before
[24] this. Now you showed me that, the technical
[25]

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[1] **V. Voronchenko**

[2] drawings, you know, no — no pictures for my
[3] approval, but technical drawings is ready, you
[4] know, how — how — no, this is bullshit. Sorry.

[5] **MR. ISRAEL:** That is not what he's
[6] asking you. Just wait until he asks you a
[7] question. Answer the question, that's it.

[8] **Q:** I'm showing you page A-11, the
[9] library elevations. Does any of that look
[10] familiar to you?

[11] **A:** Listen, this one, you know, it
[12] changed.

[13] **Q:** Okay. You're referring to elevation
[14] 4?

[15] **A:** This is the change, completely
[16] change because this is Lalique panels, this is
[17] completely change because this is wood panel, we
[18] have the — we have the mirror here and here.

[19] **Q:** Hold on. Here, does that say mirror
[20] there? Now we're looking at the second
[21] elevation.

[22] **A:** Like small mirror, we have like full
[23] mirror, not like this mirror, wood panel, wood
[24] panel, we have mirror from the ceiling to the
[25] floor.

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[1] **V. Voronchenko**

[2] **Q:** So you have the mirror, but you have
[3] no wood panels —

[4] **A:** No, no.

[5] **Q:** — on elevation 2?

[6] **A:** Absolutely.

[7] **Q:** How about the library plan, does
[8] that look familiar in any way? How about the
[9] soffits, do you have soffits in the library?

[10] **A:** I think, yes, maybe. I don't
[11] remember soffits. It's very important soffits.
[12] Soffits, it's not a part of the decoration, you
[13] know. I think yes, I have maybe 300 soffits in
[14] the apartment, or 400. Even more. We're talking
[15] about design and decoration, not about the
[16] soffits. All ceiling full of the soffits.

[17] **Q:** Do you know if Garth copied any of
[18] the soffits?

[19] **A:** Show me, show me, if you want to
[20] talk about the — about — just a moment. Show
[21] me the plan of the ceiling.

[22] **MR. McKEE:** Before you leave that
[23] sheet, so we don't have to come back to it,
[24] did you see any difference between the
[25] bookcase layout — do you see the bookcase

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V. Voronchenko

[1] in the lower left?
[2]

[3] **MR. MANDEL:** He already testified,
[4] the panels.

[5] **MR. McKEE:** Yes. But the layout of
[6] the bookcases, are they different than what
[7] is shown on that drawing? The layout of
[8] the bookcases, is it —

[9] **THE WITNESS:** It's different.

[10] **Q:** How is it different?

[11] **A:** The main reason for this bookcase is
[12] the Lalique panels, this is different. All other
[13] bookcases is, like every one, simple. Here you
[14] see the — see the simple bookcases, that is it,
[15] nothing more. Now we completely change because
[16] it's like color lenses, and then another builded
[17] around this columns, this, you can see just
[18] simple shelves, and that is it. We're talking
[19] about ceiling in the library, where is the detail
[20] in the ceiling here?

[21] **Q:** Now I am showing you A-2, do you
[22] know if A-2 is the reflected ceiling plan? Do
[23] you know if any part of A-2 was incorporated into
[24] any part of the design?

[25] **A:** Could you put it —

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V. Voronchenko

[1] **Q:** Of course, any way you want to have
[2] it.

[4] **A:** Again, what do you want?

[5] **Q:** Sure. Do you notice any
[6] similarities on A-2 —

[7] **A:** What do you mean, A-2?

[8] **Q:** A-2, this is page A-2.

[9] **MR. McKEE:** It's a page that is in
[10] front of you.

[11] **Q:** This whole page is A-2. Do you
[12] notice any similarities on this page to the final
[13] plan?

[14] **A:** You mean the — these walls?

[15] **Q:** You're pointing to the exterior
[16] walls, the exterior walls absolutely looks
[17] similar, looks similar. This is completely
[18] different. This is completely different.

[19] **A:** All of this, situation completely
[20] different. No this hall, no this hall, no all of
[21] this situation, all of this is completely
[22] different.

[23] **MR. MANDEL:** I have no further
[24] questions about this document.

[25] **Q:** When did Libracon provide you with

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[1] **V. Voronchenko**
[2] it's first set of designs?
[3] **A:** As you showed me yourself, 10 months
[4] before, and it was not first set of — it was
[5] three or four or different proposition.
[6] **Q:** You're saying 10 months before
[7] Triarch?
[8] **A:** Yes.
[9] **Q:** You're referring to an earlier
[10] exhibit, correct?
[11] **A:** Exhibit all proposition of Libracon.
[12] **Q:** You mean the contract?
[13] **A:** Yes.
[14] **Q:** You're referring to the contract, or
[15] are you referring designs?
[16] **A:** I'm talking about design.
[17] **Q:** That is a design that you saw
[18] earlier today that predated Triarch; is that
[19] right?
[20] **A:** Again, please?
[21] **Q:** Sure.
[22] **MR. MANDEL:** You know, let's go off
[23] the record for a second.
[24] (Discussion held off the record.)
[25] (Plaintiff's Exhibit 54, document

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[1] **V. Voronchenko**
[2] bearing Bates numbers MED 91 - MED 102,
[3] marked for identification.)
[4] **Q:** I'm handing you what has been marked
[5] as Exhibit 54. Exhibit 54 begins on Bates number
[6] page MED 91 and goes through Bates number page
[7] MED 102. That is Plaintiff's Exhibit 54.
[8] Am I correct that these are Libracon
[9] drawings that were prepared on or about February
[10] 4, 2009?
[11] **A:** I don't know. You gave me this
[12] paper.
[13] **Q:** You don't know one way or the other?
[14] **A:** I can trust you or not.
[15] **Q:** Well, you shouldn't trust me. You
[16] should not trust me. You should only say things
[17] that you know are true here today.
[18] **A:** You ask me, I don't know.
[19] **Q:** You don't know?
[20] **A:** You gave me these papers, I see this
[21] Libracon stamp.
[22] **Q:** But who knows?
[23] Do you see it has a Libracon stamp
[24] and you see it is dated February 24, 2009?
[25] **A:** Yes.

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[1] **V. Voronchenko**
[2] **Q:** I will represent to you that in late
[3] January 2009, Triarch was terminated.
[4] **A:** Yes.
[5] **Q:** So I'm going to ask, shortly after
[6] Triarch was terminated, did Libracon prepare its
[7] own set of drawings using Triarch's drawings?
[8] **A:** No. You know why? Because here
[9] immediately you see the difference between
[10] Triarch's drawings and Libracon's drawings.
[11] **Q:** You're referring to page 91, the
[12] first page of the exhibit, it is page A-1 here,
[13] and what is different from this?
[14] **MR. ISRAEL:** This page.
[15] **Q:** What is different — between this
[16] and Triarch's drawings?
[17] **A:** This is main — this is main part of
[18] the apartment, this is the difference.
[19] **Q:** Sorry, what are you pointing to?
[20] **A:** This is — is this part of the
[21] apartment, and even here it is not — you know,
[22] now it's not this wall. It's created later. No
[23] this wall, it's created later. But the main
[24] difference is for before this is just one big
[25] foyer. In Triarch plan two foyer. This is one

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[1] **V. Voronchenko**
[2] foyer. Where is elevator?
[3] **Q:** Here.
[4] **A:** This is — this is again Libracon,
[5] this is not Triarch.
[6] **Q:** I'm going to show you here what has
[7] been marked as Defendant's Exhibit 4, and I'm
[8] going to show you —
[9] **A:** This is — this I show you, Triarch
[10] has two different foyers. This is one foyer, do
[11] you see?
[12] **Q:** Yes.
[13] **A:** One foyer, one foyer.
[14] **Q:** So you're right here, you're saying?
[15] **A:** This is one foyer.
[16] **Q:** Yes?
[17] **A:** This is another small foyer.
[18] Libracon take out and make all of
[19] this for cancel, this is destroyed many walls
[20] and — and not — not one, two foyer. Libracon
[21] builded one foyer, big one. And before you come
[22] in from elevator to apartment, two small foyer,
[23] closed foyer. Now you come from elevator
[24] directly to apartment, without any doors, you
[25] know what I don't understand? Okay.

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[1] **V. Voronchenko**
[2] **Q:** What don't you understand?
[3] **A:** No. Everything is okay.
[4] **Q:** Was someone supposed to move into
[5] the apartment in February 2009?
[6] **A:** What?
[7] **Q:** Was someone supposed to move into
[8] the apartment in February of 2009?
[9] **A:** Move in?
[10] **Q:** Yes.
[11] **MR. ISRAEL:** If you know.
[12] **A:** What do you mean somebody move in?
[13] **Q:** Was someone supposed to begin living
[14] in the apartment in February of 2009?
[15] **A:** I don't know.
[16] **Q:** Was there ever a plan for someone to
[17] begin living in the apartment in February of
[18] 2009?
[19] **A:** How is supposed to live in that
[20] apartment? Of course not. No furniture, no
[21] nothing.
[22] **Q:** Am I correct you were the first
[23] tenant, you were the first person who was
[24] supposed to live in the apartment?
[25] **A:** After repairing?

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[1] **V. Voronchenko**
[2] **Q:** After the renovation and decoration.
[3] **A:** Yes, of course.
[4] **Q:** Were you paying — were you renting
[5] an apartment in New York before you began?
[6] **A:** Yes.
[7] **Q:** And how much were you paying for
[8] that rental?
[9] **A:** I don't remember.
[10] **Q:** Were you paying it or was somebody
[11] else paying it?
[12] **A:** I don't know.
[13] **THE WITNESS:** Do I have to tell
[14] about this or not?
[15] **MR. ISRAEL:** Could you tell us what
[16] the relevance is?
[17] **MR. MANDEL:** Yes. This is just
[18] reading out of your —
[19] **MR. ISRAEL:** Answer and
[20] counterclaim? Is he the tenant that is
[21] referred to in the counterclaim? I have to
[22] look at my notes, that information, though,
[23] doesn't come from him. It comes from
[24] somebody else. I don't know that he has
[25] that information but — and I don't know

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[1] **V. Voronchenko**
[2] the answer to that, but you can ask him
[3] your question what the rent was. This is
[4] years ago.
[5] **Q:** This is personal. Was the apartment
[6] in Manhattan somewhere?
[7] **A:** Yeah, in Manhattan. You go into
[8] very deep detail about my private life, you know.
[9] **Q:** I don't like to do that. I agree,
[10] and it's uncomfortable and I don't like to do
[11] that.
[12] **A:** Certain of your question will be
[13] about my girlfriend, you know.
[14] **Q:** I am not going to ask about your
[15] girlfriend. We already asked about your romantic
[16] situation. We're done with those questions. My
[17] question is — let me explain to you the
[18] background.
[19] **A:** Okay.
[20] **Q:** Medallion has sued Triarch claiming
[21] Triarch owes Medallion, I believe, \$300,000. And
[22] they are claiming there was someone who was
[23] supposed to move into the apartment.
[24] **A:** Move to the apartment?
[25] **Q:** Move into the apartment at 515 Park

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[1] **V. Voronchenko**
[2] Avenue, and Triarch stopped them from doing that
[3] by being too slow.
[4] **MR. ISRAEL:** The apartment wasn't
[5] ready in time so that the other person
[6] could move in.
[7] **A:** How it's possible ready in time, you
[8] mean ready in 2009?
[9] **Q:** Yes. That is what Medallion,
[10] Medallion's story is, that someone was going to
[11] move into the apartment in February 2009?
[12] **A:** No, it's — listen, of course, it's
[13] somebody — somebody try — I tried to move into
[14] the apartment in 2008, 2009, 2010, 2011.
[15] **Q:** Right.
[16] **A:** And from January, from May from
[17] June.
[18] **Q:** Right.
[19] **A:** From this, this and this. Of
[20] course.
[21] **Q:** And you were renting a different
[22] apartment in Manhattan?
[23] **A:** Yeah, I rented all my life different
[24] apartments in Manhattan.
[25] **Q:** And do you —

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V. Voronchenko

[1] **A:** I pay different amounts, and I live
[2] in total because I lived permanently in Moscow, I
[3] just renting the apartments for my family.
[4] **Q:** And the apartments you rented in New
[5] York between 2009 and 2011 is where your family
[6] lived; is that correct?
[7] **A:** Yeah, yeah. I lived because I lost
[8] a lot of — I lost a lot of money because I
[9] didn't finish the apartment.
[10] **Q:** Do you believe Triarch owes you any
[11] money because of that loss of money?
[12] **MR. ISRAEL:** Objection.
[13] **A:** I agree with you, because what —
[14] what do I have to say? Of course I have bad
[15] situation when we stop to work with Triarch,
[16] because we have to finish and some — next month,
[17] but we stopped and we started the project again
[18] because you — new designer and new people has to
[19] start from the beginning, you know, to start it,
[20] to this, to that, to understand. Something like
[21] this.
[22] **Q:** I was listening to what you're
[23] saying, but I'm not sure you answered my
[24] question. Do you believe Triarch owes you money
[25]

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V. Voronchenko

[1] because of the delay — because of some delay
[2] that you believe occurred in moving into your
[3] apartment at 515 Park Avenue?
[4] **A:** All I think Triarch has to give me
[5] money back because it was delayed situation.
[6] **Q:** And how much money do you think they
[7] should give you back?
[8] **A:** I never talk about this to
[9] Triarch — to Triarch. You know, and I can talk
[10] about this, if you push me.
[11] **Q:** You never asked Triarch for money;
[12] is that right?
[13] **A:** No, absolutely, but I am ready to do
[14] this if your —
[15] **Q:** Okay.
[16] **A:** This is good idea, by the way.
[17] **Q:** Do you believe Triarch —
[18] **THE WITNESS:** Please remember this.
[19] **MR. ISRAEL:** I remember.
[20] **Q:** Do you believe Triarch owes
[21] Medallion any money?
[22] **MR. ISRAEL:** You just said we have a
[23] claim.
[24] **MR. MANDEL:** I'm asking what he
[25]

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V. Voronchenko

[1] believes. I understand what the claim is.
[2] **A:** My feeling, no.
[3] **Q:** Okay. And why doesn't Triarch owe
[4] Medallion any money?
[5] **A:** Triarch — listen, I want just to
[6] finish this situation, that's it. I don't want
[7] to think about who Triarch has, you know. I paid
[8] what Triarch he did, this is my private things,
[9] all of this — where is this here, the pages,
[10] this is my painting, because I paid for it, this
[11] is not their anymore.
[12] **MR. ISRAEL:** That is not what he's
[13] asking you.
[14] And he doesn't understand what you
[15] were asking him because he testified
[16] earlier that he thinks that — I'm — I
[17] don't want to put words on the record. I
[18] don't think he understood your question.
[19] **Q:** Let me ask the question again. Do
[20] you believe that Triarch owes Medallion any
[21] money?
[22] **A:** I never thought about it. Triarch
[23] has to pay additional money to Triarch?
[24] **Q:** No, does Triarch owe Medallion
[25]

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V. Voronchenko

[1] money?
[2] **A:** Triarch has to pay money to
[3] Medallion.
[4] **Q:** That is the question.
[5] **A:** I didn't think about, but I will
[6] think about it.
[7] **Q:** You what?
[8] **MR. McKEE:** He's thinking.
[9] **A:** I never thought about — never
[10] thought about it.
[11] **Q:** Okay.
[12] **A:** But I will think about it.
[13] **Q:** Were you —
[14] **A:** Maybe.
[15] **Q:** Were you ever going to pay Medallion
[16] any rent for the apartment?
[17] **A:** No, never.
[18] **Q:** To sort of move this along, would
[19] you like — do you know what — do you remember
[20] what is being referred to in the counterclaim,
[21] this \$30,000 of rent?
[22] **MR. ISRAEL:** I don't remember, and
[23] you know what, I probably should have gone
[24] through it in preparation for today, but I
[25]

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[1] **V. Voronchenko**
[2] have been focused on your copyright action
[3] and my preparation and my client's
[4] preparation has been focused on that, so,
[5] quite frankly, I have to look at it, it's
[6] been years since we filed that claim,
[7] years. And I have notes on it, but I just
[8] don't remember. But you'll have — you'll
[9] have another witness and maybe I'll have
[10] more information on it.
[11] **A:** We are close to final, thanks God,
[12] thanks a lot to Garth, he's a very nice person,
[13] he seems to help us very, very much.
[14] **MR. McKEE:** He seems to think you're
[15] very difficult, though.
[16] **THE WITNESS:** I didn't want to be
[17] difficult person to him but he is very nice
[18] person.
[19] **MR. McKEE:** Off the record.
[20] (Discussion held off the record.)
[21] **Q:** Have you ever heard of Unitrade
[22] company?
[23] **A:** Unitrade? Unitrade? Maybe I
[24] thought about it. I don't remember Unitrade,
[25] Unitrade. I heard about this. I heard this

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[1] **V. Voronchenko**
[2] name, I don't remember from who. I heard this
[3] name.
[4] **Q:** Do you know if it is a company owned
[5] by Vekselberg?
[6] **A:** Unitrade?
[7] **Q:** Yes.
[8] **A:** Listen, this Mr. Vekselberg has, I
[9] told you, 800 companies, so maybe yes because I
[10] heard this name.
[11] **Q:** How about Hermitage S.A.?
[12] **A:** What?
[13] **Q:** Hermitage, H-E-R-M-I-T-A-G-E S.A?
[14] **A:** No.
[15] **Q:** Do you know whether Hermitage
[16] company was going to originally buy the
[17] apartment?
[18] **A:** Listen, as I told you, I don't know
[19] about this, anything.
[20] (Plaintiff's Exhibit 55, document
[21] bearing Bates numbers MED 161 - MED 164,
[22] marked for identification.)
[23] **A:** I was not — this is too complicated
[24] for me.
[25] **Q:** I'm handing you what has been marked

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[1] **V. Voronchenko**
[2] as Plaintiff's Exhibit 55, it begins on Bates
[3] number page MED 161 and goes through page 164.
[4] Do you know what this document is?
[5] **A:** Me, not. And what — some payment
[6] for — I think this is some payment for
[7] apartment, for improvements for apartment.
[8] **Q:** Do you know if this is all the
[9] payments?
[10] **A:** I don't know in general this
[11] payments. This is the first time.
[12] **Q:** And were you ever provided at any
[13] time information about how much was being spent
[14] on the apartment?
[15] **A:** In general, more or less, but not in
[16] detail.
[17] **Q:** And who would provide that
[18] information to you?
[19] **A:** First of all, Filip Vuckovic, after
[20] this it was bookkeeper of Medallion, they
[21] charging about all of these things.
[22] **Q:** Would you have to approve expenses
[23] before they were paid?
[24] **A:** I — they showed me what was going
[25] on in general. I see this, but I always try to

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[1] **V. Voronchenko**
[2] be in charge.
[3] **Q:** Did you ever reject an invoice?
[4] **A:** Reject it, what does it mean?
[5] **Q:** Did you ever say we shouldn't pay an
[6] invoice?
[7] **A:** I don't remember this.
[8] **Q:** Do you recall any —
[9] **A:** To check — to check this invoice
[10] you have to spend one week, you know, not less,
[11] just to check this invoice what you show me
[12] because it's not — you check not only this for
[13] example, Gerama Contractors, who is — I don't
[14] know. You have to see the invoices from this
[15] company, you have to check this work, was it did
[16] or not did, you know, and this — you have to
[17] check this, how can it's possible for me to check
[18] this invoice in general? Even for bookkeeper,
[19] it's impossible.
[20] **Q:** Do you recall anyone else at
[21] Medallion ever deciding that a certain invoice
[22] should not be paid?
[23] **THE WITNESS:** Sorry, help me.
[24] **MR. ISRAEL:** He wants to know, I
[25] missed it myself, if anyone at Medallion

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[1] **V. Voronchenko**
[2] decided that invoice —
[3] **Q:** Were there any invoices that should
[4] not be paid, obviously Triarch's invoices were
[5] not ultimately paid, if you have any memory?
[6] **MR. ISRAEL:** Of anyone else's?
[7] **MR. MANDEL:** Yes.
[8] **MR. ISRAEL:** Were anyone else's
[9] invoices not paid?
[10] **THE WITNESS:** I don't know, I don't
[11] know.
[12] **Q:** Would all of the designers and
[13] professionals who were working on the apartment
[14] listen to you when you gave them instructions?
[15] **A:** Always?
[16] **Q:** Yes.
[17] **A:** Has to be always.
[18] **Q:** Was there ever an instance in which
[19] any of the designers or professionals working on
[20] the apartment ignored your instructions?
[21] **A:** It's usual, yes, for — for the
[22] first period of the — of the mutual, then it
[23] just started when they accepted the whole
[24] concept, not only with — not only with the walls
[25] and drawings, with the materials and with the

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[1] **V. Voronchenko**
[2] furniture, with the lights, with everything.
[3] When they finish this after this they can go
[4] ahead without me and this payment has to be
[5] automatically, I'm not involved with this.
[6] **Q:** Got you.
[7] **A:** I needed to make decision only for
[8] first 15 percent payments, remember, I — in your
[9] contract it was first payment.
[10] **Q:** I'm not talking about the moment.
[11] I'm talking about setting aside the money and
[12] setting aside Triarch. Forget about Triarch.
[13] Did all of the other designers and professionals
[14] who worked on the apartment listen to your
[15] instructions when you gave them?
[16] **MR. ISRAEL:** Did everyone do what
[17] you said they should do?
[18] **A:** Of course, yes.
[19] **Q:** Was there ever a time when someone
[20] did not follow your instruction, other than
[21] Triarch?
[22] **A:** They have to follow my instructions.
[23] **Q:** The contracts that they entered into
[24] required them to follow the instructions,
[25] correct?

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[1] **V. Voronchenko**
[2] **MR. ISRAEL:** Objection. Calls for a
[3] legal conclusion.
[4] **A:** One moment. What did you ask?
[5] **Q:** Did the designers and other
[6] professionals sign contracts that required them
[7] to listen to your instructions?
[8] **MR. ISRAEL:** Objection.
[9] **A:** I have to tell —
[10] **MR. ISRAEL:** It doesn't make any
[11] sense.
[12] **MR. MANDEL:** I'll withdraw the
[13] question.
[14] **THE WITNESS:** Listen, okay. I know
[15] you're in a rush, so —
[16] **MR. ISRAEL:** It's not that I'm in a
[17] rush. There is no question pending, you're
[18] here to answer questions.
[19] **A:** This is like — looks like a
[20] philosophy, you know, question like — the same
[21] question is your wife has to for loving for
[22] orders of the husband in general, it's beautiful
[23] but if you're married, you know it's not happen
[24] every day like this, designer and the customer.
[25] **Q:** Other than the delay you've talked

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[1] **V. Voronchenko**
[2] about associated with Triarch and the termination
[3] of Triarch, were there any other delays in the
[4] renovation or development of the apartment?
[5] **A:** You know, the main reason for me,
[6] this is Triarch, after this — after Triarch,
[7] everything was like this, I know.
[8] **Q:** Like this, you're showing one hand
[9] tumbling over the other?
[10] **A:** From my hand. I tell you it was
[11] first bad step was my work with Triarch, this is
[12] sometimes it happens it was not lucky step.
[13] **Q:** Did you terminate any of the other
[14] designers or professionals who worked on the
[15] project?
[16] **A:** On this project?
[17] **Q:** Yes.
[18] **A:** Triarch was first.
[19] **MR. ISRAEL:** Did you fire anyone
[20] else other than Triarch? Did you tell
[21] anyone else you don't want them on the job
[22] anymore, goodbye.
[23] **A:** Me, no. Maybe my people.
[24] **Q:** Did you —
[25] **A:** Maybe — maybe Filip Vuckovic did

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[1] **V. Voronchenko**
[2] this, I don't know.
[3] **Q:** Did you fire Mr. Calderin?
[4] **A:** Fire?
[5] **Q:** Did you tell Calderin to stop
[6] working on the apartment?
[7] **A:** You have to ask this with Pepe, not
[8] Pepe, Filip Vuckovic, because he had deal with
[9] them because I think Pepe finished all of his
[10] work so I say no.
[11] **Q:** Would it surprise you to learn that
[12] Mr. Calderin thinks he was fired?
[13] **A:** You asking me?
[14] **Q:** Yes.
[15] **A:** Was Pepe Calderin fired?
[16] **Q:** No, I'm asking you — Mr. Calderin,
[17] was he paid on a basis of a monthly retainer?
[18] **A:** Yes.
[19] **Q:** At some point did somebody stop
[20] paying that retainer?
[21] **A:** Listen, we paid him monthly before
[22] he finished his job. When he finished his job
[23] we — I think it's because again deal between
[24] Calderin and Filip Vuckovic. We need
[25] to — professional service what we need. One

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[1] **V. Voronchenko**
[2] month, five month, ten months, what we feel, we
[3] need this professional service. If we don't
[4] need, I think he stopped this. Because final,
[5] the finished the project, Filip, I say no, I mean
[6] some details, some with Italian factory, it was
[7] final, final job it was job of Filip Vuckovic, we
[8] were not — not Pepe Calderin.
[9] **Q:** Was Medallion supposed to pay Pepe
[10] Calderin his monthly retainer until the
[11] renovation was complete?
[12] **A:** Medallion paid to Pepe monthly,
[13] bimonthly, because how many months Medallion
[14] missed Pepe? This month paid to — to Pepe.
[15] **Q:** Was there any period of time in
[16] which the project of renovating and decorating
[17] the apartment stopped?
[18] **A:** I don't know, you have to ask this.
[19] **Q:** So you're not aware of any time in
[20] which a few months went by and nothing happened
[21] on the apartment?
[22] **A:** No, just very short. I ask when you
[23] finish? Oh, in September. In September, no,
[24] when you finish again? In January, it's no.
[25] **Q:** And do you know who did the

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[1] **V. Voronchenko**
[2] construction of the apartment?
[3] **A:** Filip Vuckovic.
[4] **Q:** Filip Vuckovic, he came to New York?
[5] **A:** Filip came to New York a hundred
[6] times, but I don't know who — who — he find
[7] somebody who constructs, it was his obligation.
[8] It was obligation of Triarch, of course,
[9] but — but Filip did this.
[10] **Q:** You don't know anything about the
[11] names of the people or the companies who did the
[12] construction, correct?
[13] **A:** Listen, I — I — I had their names
[14] and I spoke with them when I visited the
[15] apartment, but now I forgot the names. I
[16] remember Filip, he's — Filip, he's from —
[17] Croatian or something from then, I know the
[18] builders it was the same, originally from
[19] Croatian, it was people from Croatia originally
[20] involved, and this is the reason they — Filip
[21] gave them this job.
[22] **Q:** But you don't remember their name?
[23] **A:** I don't remember their name.
[24] **Q:** And did you ever have any
[25] communication or discussions with them?

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[1] **V. Voronchenko**
[2] **A:** I'm sorry, I have very bad memory
[3] for the — for the names.
[4] **Q:** It's okay. Do you remember talking
[5] to the people who did the construction at any
[6] point in time?
[7] **A:** No, I spoke with them several times.
[8] **Q:** You did?
[9] **A:** When I went and visited the
[10] apartment, I did this several times during some
[11] years, you know, I spoke — I spoke with them,
[12] this is good, this is good, this is good, this is
[13] not good.
[14] **Q:** Did they do a good job or a bad job?
[15] **A:** Something like that, I spent like 10
[16] minutes and said, okay, thank you.
[17] **Q:** My question for you is: Did the
[18] people who did the construction, did they do a
[19] good job or a bad job?
[20] **A:** For the construction?
[21] **Q:** Yes.
[22] **A:** It depends.
[23] **Q:** It depends on what?
[24] **A:** It depends if good job or bad job
[25] more or less, okay. More or less, okay.

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[1] **V. Voronchenko**
[2] **Q:** Did they go more slowly than you
[3] would have liked?
[4] **A:** Oh, much slower.
[5] **Q:** How long did they spend doing the
[6] construction?
[7] **A:** I told you, we started to use this
[8] apartment at the end of 2011, you can calculate.
[9] **Q:** And when did construction begin?
[10] **A:** I don't remember. I don't remember.
[11] **Q:** I'm going to show you what has been
[12] marked as Defendant's Exhibit 8, and I will
[13] represent to you that these are construction
[14] drawings that Garth Hayden submitted to the New
[15] York City Department of Buildings in or around
[16] August 2009.
[17] **A:** August of 2009, yes.
[18] **Q:** Have you ever seen these documents
[19] before?
[20] **A:** No, of course.
[21] **Q:** I'm going to show you a few more
[22] pages, I'm going to flip through the pages.
[23] **A:** This is the new foyer, yeah, this is
[24] the new — completely new foyer. See how this
[25] looks? This is — we did this after Triarch,

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[1] **V. Voronchenko**
[2] it's completely changed. Show me. Yeah, okay.
[3] **Q:** Okay. And now I'm showing you page
[4] A-4, which contains master bedroom elevations and
[5] library elevations.
[6] Do you know if there are any
[7] similarities between any of these elevations and
[8] Triarch's drawings?
[9] **A:** Yeah. You see, this is a different
[10] library and — and we changed this.
[11] **Q:** You first pointed to the Lalique
[12] panels on the library elevation A, and then
[13] you're now pointing to elevation B, and what was
[14] changed?
[15] **A:** Because this is — this is not
[16] correct. This is not — not wood panel, that —
[17] this say full, just full of mirror, you know.
[18] **Q:** So am I correct, this is a mirror on
[19] a wood panel?
[20] **A:** No, it's mirror like a full wall.
[21] **Q:** Right. But am I correct this is a
[22] mirror on a wood panel?
[23] **A:** Yeah, yeah.
[24] **Q:** Am I correct this is exactly what
[25] Triarch had in the drawings?

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[1] **V. Voronchenko**
[2] **A:** This is not Triarch's drawing.
[3] **Q:** This is Garth Hayden's drawings?
[4] **A:** All of the drawings of Triarch are
[5] your drawings?
[6] **MR. ISRAEL:** That is not what he
[7] means.
[8] **Q:** Let's focus on similarities and
[9] differences. You pointed out some difference and
[10] I'm asking, if you don't know that is fine.
[11] **A:** Listen, show me the pictures, I
[12] don't want to see the drawing.
[13] **Q:** I understand.
[14] **A:** I am not builder. I am not — I
[15] don't understand very well these drawings.
[16] **Q:** So let me just —
[17] **A:** I tried — I tried to catch me. You
[18] see the difference or you don't see the
[19] difference. I remember — I had remember the
[20] previous drawings. I don't understand very well
[21] drawings. I see some details and I don't see a
[22] lot of details. It's not fair. I am not
[23] professional builder. You have to ask these
[24] drawings from professional — I am doctor,
[25] gynecologist, you know, if you understand you can

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[1] **V. Voronchenko**
[2] tell me about this story with me, I can tell you
[3] a lot of different details, but not on this.
[4] **Q:** Am I correct, then, if I went
[5] through this whole exhibit and skipped what
[6] similarities are to Triarch's drawing, you cannot
[7] tell me?
[8] **A:** I can understand you when you show
[9] me the pictures, not drawings. Pictures I'm
[10] ready to talk. Drawings, I'm not ready to talk.
[11] **Q:** And am I correct that if
[12] Mr. Hayden — excuse me, if Garth filed these in
[13] August 2009 with the Department of Buildings, he
[14] did so with your approval, correct?
[15] **MR. ISRAEL:** Objection.
[16] **A:** Approval, approval — not my
[17] approval, approval of Filip Vuckovic.
[18] **Q:** So you didn't approve of him
[19] submitting these plans one way or another?
[20] **A:** I see these the first time, I don't
[21] know anything about this process. I know about
[22] this stamp, about — I don't know how it's
[23] working in United States.
[24] **Q:** Okay. So Garth might have submitted
[25] these plans without getting your approval?

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[1] **V. Voronchenko**
[2] **A:** Without, without, he has to approve
[3] this with Filip Vuckovic.
[4] **Q:** And would Mr. Vuckovic —
[5] **A:** Yes.
[6] **Q:** — have —
[7] **A:** Vuckovic — Vuckovic has to approve
[8] it.
[9] **Q:** He would have made sure you approved
[10] it before he approved it?
[11] **A:** Listen, I had proposition from Pepe
[12] Calderin, you know, I told this, he send me lot
[13] of pictures, a lot of ideas. I told him it's
[14] okay, I approve this. Or another, this is a
[15] technical details, they don't need my approved
[16] for — for all of these things. They don't need
[17] this. I approved only general idea, not
[18] the — not this idea. They don't need my
[19] approval for this.
[20] For me important result has to be
[21] absolutely the same like a picture, and they know
[22] about this. You see this picture, it has to be
[23] the same like this. I don't care about all of
[24] these plans.
[25] **Q:** So am I correct then that you

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[1] **V. Voronchenko**
[2] approved designs that were presented to you in
[3] images by Mr. Calderin?
[4] **A:** Yeah, that's it. I don't want to
[5] even talk about anything.
[6] **Q:** I am sure that is true. I just have
[7] a few more questions, we're getting towards the
[8] end.
[9] After you approved those designs,
[10] did you instruct Garth to include those designs
[11] in the plans that he was preparing?
[12] **A:** I can't — I can't do this because
[13] all deals with Garth have — had Mr. Vuckovic.
[14] **Q:** So Mr. Vuckovic supervised Garth;
[15] is that correct?
[16] **A:** Supervise the Garth?
[17] **MR. McKEE:** Objection. Objection to
[18] form.
[19] **A:** Vuckovic — objection, form?
[20] Supervise? I don't know, he was not his boss,
[21] you know. What do you mean supervise?
[22] Supervise, he's the person who boss of another
[23] person.
[24] **Q:** Sure.
[25] **A:** Of course he was not boss for

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[1] **V. Voronchenko**
[2] Mr. Garth. Mr. Garth is a very respectful
[3] gentleman and professional. I don't know how
[4] Filip Vuckovic from Moscow has to be boss of
[5] Mr. Garth.
[6] **Q:** Would Garth have submitted designs
[7] to the Department of Buildings if you had not
[8] approved them first?
[9] **MR. ISRAEL:** Objection.
[10] **A:** No. I don't know about this. Filip
[11] Vuckovic — if Filip Vuckovic approved, it's
[12] approved.
[13] **Q:** But first you had to approve the
[14] design, correct?
[15] **A:** I approved the pictures.
[16] **Q:** Pictures?
[17] **A:** Pictures. I did not approve the
[18] other things.
[19] **Q:** But in order for them to actually do
[20] the renovation, they had to turn your pictures
[21] into construction drawings, correct?
[22] **A:** You know, they have to be like a
[23] miracle makers people, you know. I see the
[24] pictures. Their obligation to — to make this
[25] picture in the reality, and that is it.

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[1] **V. Voronchenko**
[2] **Q:** And they use construction drawings
[3] to do that, right?
[4] **A:** They — I am not — I don't care
[5] about the construction drawings, you know, I — I
[6] take care of only about pictures, because I want
[7] to see what I want — what I want to do, I want
[8] to see the final, final images planned,
[9] initial — initial plan. I need to sign this
[10] final plan. I mean, the pictures plan not this
[11] one, and that's it. This is my job finished with
[12] this one. Another one is the deal of people who
[13] build or who take care about this.
[14] **Q:** Did you play any role in pulling
[15] together documents in this case?
[16] **A:** Any role —
[17] **MR. ISRAEL:** No, he didn't play any
[18] role.
[19] **A:** Play any role.
[20] **MR. ISRAEL:** It's okay.
[21] **Q:** Who is Oxana Dugina?
[22] **A:** Oxana Dugina, she is like secretary,
[23] she helped me.
[24] **Q:** Is she your secretary?
[25] **A:** No, not with this deal, in general.

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[1] **V. Voronchenko**
[2] **Q:** She works for you in general?
[3] **A:** She works for me, she helped me, she
[4] is like a housekeeper in general. But she is
[5] clever.
[6] **Q:** She's clever?
[7] **A:** She's clever.
[8] **Q:** Is she, like, your personal
[9] assistant?
[10] **A:** No. I have another personal
[11] assistant. Her name is Uliana.
[12] **Q:** Is Ms. Dugina in New York — is
[13] Oxana —
[14] **A:** No, she lives not — not in New
[15] York, in another place.
[16] **Q:** In the United States?
[17] **A:** In the United States.
[18] **Q:** Where in the United States?
[19] **A:** In the Hamptons. But she is — but
[20] she is — she helps me with some paperwork, but
[21] paperwork what she has to send, and that's it,
[22] you know, go back, go back, she never make
[23] decision, she never did something — something
[24] like — she is like mechanical — mechanical
[25] work.

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[1] **V. Voronchenko**
[2] **Q:** Does she also work for Medallion or
[3] does she also work for you?
[4] **A:** No, she's not connected with
[5] Medallion.
[6] **Q:** Do you have a home in Southampton?
[7] **A:** Not me. Me, personally, don't have
[8] home in Southampton.
[9] **Q:** Do you ever stay in a home in
[10] Southampton?
[11] **A:** Yes. Many years.
[12] **Q:** Who owns that home?
[13] **A:** Home where I live now, it's
[14] Medallion. Before I rented many years a house
[15] from different owners.
[16] **Q:** The home you stay in now in
[17] Southampton is owned by Medallion?
[18] **A:** Yes.
[19] **Q:** And you used to rent houses in
[20] Southampton?
[21] **A:** Sometimes I live in this apartment.
[22] **Q:** 515 Park Avenue?
[23] **A:** Yes.
[24] **Q:** And for how many years have you been
[25] coming to Southampton?

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[1] **V. Voronchenko**
[2] **A:** How many years have I lived in
[3] Southampton —
[4] **Q:** Have you been visiting Southampton
[5] — do you live in Southampton?
[6] **A:** No.
[7] **Q:** How many years have you been
[8] visiting Southampton?
[9] **A:** In Southampton, three weeks per
[10] year, four weeks per year. In the summertime.
[11] **Q:** Are you going to be spending any
[12] time there this summer?
[13] **A:** This summer?
[14] **Q:** Yes.
[15] **A:** No.
[16] **Q:** Do you plan on doing it before the
[17] summer is over?
[18] **A:** I don't know. I don't have a lot of
[19] work in Europe.
[20] **Q:** Have you ever sold a home in
[21] Southampton to —
[22] **A:** Have I ever what?
[23] **Q:** Have you ever owned a home in
[24] Southampton?
[25] **A:** What home, no.

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[1] **V. Voronchenko**
[2] **Q:** Have you ever owned a home in the
[3] state of New York?
[4] **A:** I don't have any property in the
[5] United States.
[6] **Q:** Have you every rented a home in New
[7] York?
[8] **A:** Yes.
[9] **Q:** When did you rent a home in New
[10] York? When was the first time?
[11] **A:** 10, 15 years ago.
[12] **Q:** Is it a one-year rental?
[13] **A:** I change lot of different addresses.
[14] I even didn't remember these address.
[15] **Q:** So you rented a number of homes in
[16] New York City over the years? Could you say yes
[17] or no?
[18] **A:** Yes, yes.
[19] **Q:** In 2009 were you renting a home in
[20] New York?
[21] **A:** Yes.
[22] **Q:** And in 2010 were you renting a home
[23] in New York?
[24] **A:** Yes.
[25] **Q:** And in 2011, were you renting a home

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[1] **V. Voronchenko**
[2] in New York?
[3] **A:** Yes.
[4] **Q:** All of those homes were in
[5] Manhattan?
[6] **A:** Yes. All of these years I use the
[7] rented apartments.
[8] **MR. ISRAEL:** How long are you going
[9] to go?
[10] **MR. McKEE:** Five minutes.
[11] **MR. MANDEL:** Do you want to go and I
[12] can gather my thoughts?
[13] **MR. McKEE:** Sure.
[14] **MR. ISRAEL:** He's going to ask some
[15] questions too, not a lot but some
[16] questions.
[17] **EXAMINATION**
[18] **BY MR. McKEE:**
[19] **Q:** Mr. Voronchenko, my name is Wesley
[20] McKee. I represent —
[21] **A:** Nice to meet you.
[22] **Q:** Nice to meet you.
[23] I represent Garth Hayden in this
[24] unfortunate litigation. You said earlier that
[25] you met with Garth Hayden one time?

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[1] **V. Voronchenko**
[2] **A:** I don't remember from the beginning,
[3] I met him one time, two times, I don't remember.
[4] **Q:** When you met him for the first time,
[5] was it before or after Triarch was hired?
[6] **A:** No, I met him much longer, before
[7] Triarch.
[8] **Q:** Before Triarch?
[9] **A:** Of course.
[10] **Q:** Let me show you a document
[11] previously marked as Defendant's Exhibit 1, which
[12] is a set of plans. This is sheets A-1 through
[13] A-4, I believe.
[14] **A:** Yes.
[15] **Q:** Have you ever seen this set of plans
[16] before?
[17] **A:** That's me — for me it's not so easy
[18] to understand very quickly where we are. Where
[19] is elevators?
[20] **Q:** Here we go.
[21] **A:** Okay.
[22] **Q:** The first page is called existing
[23] conditions demolition plan, and right down at the
[24] lower center do you see the two elevators, there
[25] is a stairs, shaft to your kitchen?

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[1] **V. Voronchenko**
[2] **A:** Yes.
[3] **Q:** Do you recall seeing any prepared
[4] set of initial plans prepared by Mr. Hayden for
[5] approval by the co-op board and submittal to the
[6] DOB?
[7] **A:** What date is this?
[8] **Q:** These are stamped. These are
[9] stamped approved by the city, June 26, 2008.
[10] **A:** Yes.
[11] **Q:** But the question is —
[12] **A:** When it's approved?
[13] **Q:** June 26, 2008, approved by the city.
[14] Do you recall ever seeing a set of
[15] plans from Mr. Hayden before Triarch was hired?
[16] **A:** Before Triarch?
[17] **Q:** Yes.
[18] **A:** All of this is before Triarch.
[19] **Q:** I'll represent to you that all of
[20] this is before Triarch.
[21] **A:** Of course.
[22] **Q:** Do you remember seeing any plans
[23] from Mr. Hayden?
[24] **A:** Who is Mr. Hayden?
[25] **Q:** Garth Hayden.

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[1] **V. Voronchenko**
[2] **MR. ISRAEL:** Garth Hayden.
[3] **A:** Oh, sorry. This is correct thing.
[4] I started to work with Garth in many months or
[5] before then with Triarch, because this is — when
[6] you're looking for this —
[7] **Q:** When you started working with Garth,
[8] was one of the ideas discussed to have a wall of
[9] closets in your bedroom?
[10] **A:** What you see is what I told you,
[11] this is not idea of Triarch, this is idea of
[12] Mr. Garth. You tell me what is the similar in
[13] the master bedroom, nothing, because this is
[14] Triarch, this is completely different, this is
[15] completely different, everything is different in
[16] the master bedroom.
[17] **Q:** Did Mr. Hayden prepare any
[18] renderings or pictures or images for you? Do you
[19] recall ever seeing any from him?
[20] **A:** He's architect, he — listen, I saw
[21] some papers from him a lot, but I gave these
[22] papers to Filip Vuckovic and to Triarch when I
[23] started to work with Triarch.
[24] **Q:** So when you started to work with
[25] Triarch —

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V. Voronchenko

- [1] A: I gave all papers.
[2] Q: From Garth?
[3] A: To Triarch.
[4] Q: What did you tell Triarch about what
[5] Garth Hayden's role on the project was, did you
[6] tell them anything?
[7] A: Great project, what can I say; if I
[8] like this project, what can they say. I like job
[9] of Garth.
[10] Q: When you hired Triarch, did you
[11] still intend to use Garth Hayden for any further
[12] services?
[13] A: Of course, I worked with this man
[14] all the time. I never stopped to work with him.
[15] And when I started to work with Triarch, I told
[16] him, I gave them message, you have to make a copy
[17] of the design with Mr. Garth.
[18] Q: Did you ever tell or ask Triarch to
[19] contact Mr. Hayden and speak with him at all?
[20] A: I don't remember, but he's
[21] my — they must to talk to him.
[22] Q: So you considered Mr. Hayden, Garth
[23] Hayden, to be your architect?
[24] A: Yes, of course he's my architect.
[25]

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V. Voronchenko

- [1] Q: What did you consider Triarch to be,
[2] was it your designer, interior designer?
[3] A: I don't know the position of Triarch
[4] in this. Because Triarch has to do everything,
[5] Triarch has to make all architectural things,
[6] Triarch has to — has to do everything, to make
[7] all these drawings, but Mr. Garth did this all,
[8] the job for Triarch. Triarch use the job of
[9] Mr. Garth.
[10] Q: Did you ever take any of the
[11] plans —
[12] MR. McKEE: Strike that.
[13] A: They used all plans of Triarch — of
[14] Garth, I mean. Triarch used all the materials
[15] from — from the company of Mr. Garth.
[16] Q: Okay. Earlier you were shown
[17] Exhibit Defendant's 7. You said you never saw
[18] this before. This is Triarch's plans. You said
[19] you never saw this, right?
[20] A: I never saw this. I spent some time
[21] with plans of Garth, you know, and for me that
[22] was it.
[23] Q: So since you never saw these plans,
[24] you never —
[25]

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V. Voronchenko

- [1] A: Of Triarch, I never.
[2] Q: Since you never saw Triarch's
[3] plans —
[4] A: No.
[5] Q: — you never gave them to Garth
[6] Hayden, correct?
[7] A: Triarch — Triarch —
[8] MR. ISRAEL: He wants —
[9] A: To Garth.
[10] MR. ISRAEL: He wants to know, did
[11] you ever give Triarch's plans that you said
[12] you didn't see before and did you ever give
[13] them to Garth Hayden?
[14] A: No, never, never.
[15] Q: Did you ever ask — to your
[16] understanding —
[17] MR. McKEE: Strike that.
[18] Q: Do you know, do you know whether
[19] somebody from Medallion —
[20] A: No.
[21] Q: — gave Triarch's plans to —
[22] A: No, I don't think it's possible.
[23] Q: At any point in time were there any
[24] set of plans ever left in your apartment or left
[25]

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V. Voronchenko

- [1] there for anybody else, like Mr. Hayden, to pick
[2] up and use?
[3] A: No.
[4] Q: Did you ever ask anyone to take part
[5] of Triarch's plans, any part, either in whole or
[6] small segments of it and provide it to
[7] Mr. Hayden?
[8] MR. MANDEL: Objection.
[9] Q: Did you ever ask anybody to do that?
[10] A: Of course I never asked for
[11] Mr. Garth to take something from Triarch plans.
[12] Opposite. Opposite situation. Triarch took all
[13] design from — from Mr. Garth. Opposite
[14] situation.
[15] Q: We looked at that letter earlier
[16] from your attorney, Mr. Wise?
[17] MR. ISRAEL: Medallion's attorney.
[18] MR. McKEE: I beg your pardon?
[19] Q: Medallion's attorney, Mr. Wise
[20] terminating Triarch. Do you remember looking at
[21] that letter?
[22] A: Could you show me?
[23] MR. ISRAEL: The letter from Bob
[24] Wise from Triarch saying you're not going
[25]

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[1] **V. Voronchenko**
[2] to work for us anymore.
[3] **A:** I see this is first time.
[4] **MR. ISRAEL:** What is your question?
[5] **A:** You showed me, you showed me the
[6] letter from —
[7] **Q:** Did you ever —
[8] **MR. McKEE:** Here it is.
[9] **Q:** Did you ever get a response, I
[10] mean —
[11] **MR. ISRAEL:** Did Medallion ever get
[12] a response?
[13] **Q:** Did Medallion ever get a response
[14] from Triarch in writing?
[15] **MR. ISRAEL:** Objection.
[16] **A:** Could you repeat?
[17] **Q:** Did you ever see a letter from
[18] Triarch back to Mr. Wise?
[19] **A:** No.
[20] **Q:** Responding to that letter?
[21] **A:** No.
[22] **Q:** Did you ever get anything in writing
[23] from Triarch telling you in writing not to use
[24] any of their drawings?
[25] **A:** I'm sorry?

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[1] **V. Voronchenko**
[2] **MR. ISRAEL:** He wants to know — he
[3] wants to know if you ever — you or anyone
[4] else at Medallion ever received anything
[5] from Triarch saying you cannot use the
[6] drawings that we made for this apartment.
[7] **MR. MANDEL:** Objection.
[8] **MR. ISRAEL:** I'm just trying to —
[9] **MR. MANDEL:** I'm not objecting to
[10] you, I'm objecting to the question.
[11] **MR. ISRAEL:** I'm trying to interpret
[12] it.
[13] **A:** The translation, I didn't understand
[14] it.
[15] **MR. ISRAEL:** He wants to know —
[16] **A:** Got —
[17] **MR. ISRAEL:** — if anyone from
[18] Triarch, did Triarch ever tell you or
[19] anyone else —
[20] **THE WITNESS:** Yes.
[21] **MR. ISRAEL:** — at Medallion that
[22] they cannot use — they are not allowed to
[23] use the drawings —
[24] **THE WITNESS:** No, never.
[25] **MR. ISRAEL:** — that Triarch made.

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[1] **V. Voronchenko**
[2] **THE WITNESS:** No, no.
[3] **MR. McKEE:** I'll take that back.
[4] **Q:** Did you —
[5] **MR. McKEE:** Strike that.
[6] **Q:** To your understanding, were the only
[7] drawings, only interior elevations that
[8] Mr. Hayden — that Mr. Garth was provided with
[9] came from Pepe Calderin, is that your
[10] understanding?
[11] **A:** Yes.
[12] **Q:** To your understanding, Mr. Calderin
[13] created those drawings, correct?
[14] **A:** Okay, with — together with Garth.
[15] **Q:** And Mr. Calderin coordinated with
[16] Mr. Filip?
[17] **A:** Filip.
[18] **Q:** And he worked directly for
[19] Mr. Filip?
[20] **A:** Yes.
[21] **MR. McKEE:** I have no further
[22] questions.
[23] **THE WITNESS:** Thank you, you're very
[24] quick.
[25]

FURTHER EXAMINATION

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[1] **V. Voronchenko**
[2] **BY MR. MANDEL:**
[3] **Q:** Did there ever come a point in time
[4] when you told Triarch to begin working on the
[5] kitchen?
[6] **A:** Listen, we never spoke with Triarch
[7] about kitchen or toilet or something. I waited
[8] from them full design for full apartment, whole,
[9] full apartment.
[10] **Q:** Were they supposed to begin work on
[11] some rooms before they did other rooms?
[12] **A:** Listen, you — you showed me the
[13] design of the kitchen from Triarch. Why — why
[14] you tell me? I don't believe in this drawings,
[15] because we never even started to talk with
[16] Triarch about bedrooms, kids' bedrooms, about
[17] bathrooms, about kitchen, but for me it's very,
[18] very unusual. I see the drawings for all of this
[19] things.
[20] **Q:** I understand. I'm trying to move
[21] this along.
[22] **A:** Why am I talking this?
[23] **Q:** At the end of the day —
[24] **A:** I don't building this.
[25] **Q:** Did there ever come a point —

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[1] *V. Voronchenko*
[2] **MR. MANDEL:** Withdrawn.
[3] **Q:** Was Triarch supposed to begin work
[4] on some rooms before it worked on other rooms?
[5] **A:** Listen, I want to tell you, very for
[6] me basic, basic thing, when you showed me
[7] contract, the first payment 15 percent of the
[8] total payment I have to pay when I see the full
[9] 100 percent design, you know, with my approved,
[10] after this I have to pay another money, before
[11] this, I — I don't need to pay first 15 percent.
[12] **MR. ISRAEL:** Vladimir, you told him
[13] that before. That is not what he's asking
[14] you now. Listen to what he's asking you
[15] and answer his questions. He got that
[16] point, you told him that.
[17] What is your question?
[18] **THE WITNESS:** Sorry.
[19] **MR. ISRAEL:** It's okay. Just answer
[20] his questions. He understands that you're
[21] only supposed to pay when the whole thing
[22] is done. He got that.
[23] **THE WITNESS:** I paid too early.
[24] **Q:** Was Triarch supposed to begin
[25] working on some rooms before it began working on

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[1] *V. Voronchenko*
[2] other rooms?
[3] **A:** Triarch can do what he wants, but he
[4] has — he must show his final 100 percent
[5] proposal, after this I'll pay 15 percent and
[6] after this I don't care, if you're talking about
[7] me, you know. I need to see the final proposal.
[8] I think I — I need to sign this proposal.
[9] I — I have to accept this proposal, every room.
[10] **Q:** I understand.
[11] **A:** Every angle, you know.
[12] **Q:** Was there any point in time when you
[13] weren't going to renovate the kitchen?
[14] **A:** Sorry?
[15] **Q:** Was there ever — in the beginning
[16] of this project —
[17] **A:** Yes.
[18] **Q:** — were you considering not
[19] renovating the kitchen at all?
[20] **MR. ISRAEL:** Objection.
[21] **A:** Who told you that?
[22] **MR. ISRAEL:** He answered this this
[23] morning.
[24] **A:** You asked me about kitchen maybe
[25] seven or ten time the same question.

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[1] *V. Voronchenko*
[2] **MR. MANDEL:** I'll withdraw the
[3] question.
[4] **A:** Explain — I explain —
[5] **MR. ISRAEL:** He got it, he knows.
[6] **Q:** How many times did you meet with
[7] Triarch?
[8] **A:** I asked for them to prepare for
[9] me —
[10] **MR. ISRAEL:** He got it.
[11] **A:** — the whole —
[12] **Q:** I got it.
[13] How many times did you meet with
[14] Triarch?
[15] **A:** How many times?
[16] **Q:** Yes.
[17] **A:** I don't remember. Not one, not one.
[18] **Q:** Did you take any notes during those
[19] meetings?
[20] **A:** Notes?
[21] **Q:** Yes. Did you make any notes of what
[22] was discussed at those meetings?
[23] **A:** No. For what? For what? I need to
[24] see and I have to like and when I like the final,
[25] I sign it. I never accepted —

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[1] *V. Voronchenko*
[2] **MR. ISRAEL:** You answered his
[3] question. You answered his question.
[4] **THE WITNESS:** But this is very
[5] important.
[6] **MR. ISRAEL:** I know. Just answer
[7] his questions.
[8] **THE WITNESS:** This is very
[9] important. I tell you this for you, I need
[10] to pay for something that I accepted.
[11] **MR. ISRAEL:** Listen, Vladimir, I got
[12] that point. I got it so well that it is
[13] emblazoned in my brain.
[14] **THE WITNESS:** Okay.
[15] **MR. ISRAEL:** It's melded in there.
[16] It is actually soldered in my brain. I got
[17] that point so well, I know it better than
[18] my wife's name. Now, can you answer the
[19] questions that he's asking you?
[20] **THE WITNESS:** Sorry, sorry.
[21] **Q:** What, if anything, did Medallion do
[22] to slow down the renovation process?
[23] **A:** What?
[24] **Q:** Did Medallion do anything that
[25] slowed down the renovation process?

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[1] **V. Voronchenko**
[2] **A:** Medallion was upset.
[3] **Q:** When was Medallion upset?
[4] **A:** When the process was very slow.
[5] **Q:** Who conveyed the fact that Medallion
[6] was upset to you?
[7] **A:** Who conveyed?
[8] **Q:** Yes.
[9] **A:** Me.
[10] **Q:** You conveyed that?
[11] **A:** Because I have some obligations, but
[12] this obligation is not moving, you know, I
[13] promise something to do, but I can't do this.
[14] **Q:** Did you promise it would be done by
[15] a certain time?
[16] **A:** We didn't spoke, but I promised to
[17] do this as soon as possible.
[18] **Q:** And did Medallion do anything to
[19] slow down the renovation process?
[20] **A:** Listen, when — when — we
[21] understood this apartment will not use for the
[22] family, you know, not my family, and when I —
[23] when my friend tell me, okay, use this apartment
[24] for how many years you want, because this is like
[25] investment. Of course I wanted to finish as soon

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[1] **V. Voronchenko**
[2] as possible. For me it's very nice. I need to
[3] rent the apartment, I can use this apartment free
[4] of charge. I lost a lot of money without this
[5] process, because I needed to pay for the rent all
[6] of these months.
[7] **THE WITNESS:** Sorry. I know you're
[8] very upset with my long conversation.
[9] **MR. MANDEL:** I have no further
[10] questions at this time. Unfortunately, I
[11] can't close the deposition because a
[12] substantial production was made this
[13] morning and I believe there are several
[14] documents that I requested that still
[15] remain outstanding.
[16] My hope is that we will not need to
[17] continue this deposition at a later date,
[18] but unfortunately the plaintiffs have to
[19] reserve their right to do so.
[20] **MR. ISRAEL:** We're done.
[21] (Time noted: 5:02 p.m.)
[22]
[23]
[24]
[25]

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[1] **V. Voronchenko**
[2] I, the witness herein, having read
[3] the foregoing testimony, do hereby certify
[4] it to be a true and correct transcript,
[5] subject to the corrections, if any, shown
[6] on the attached page.
[7]
[8]
[9]
[10]
[11]
[12] **VLADIMIR VORONCHENKO**
[13]
[14]

[15] Subscribed and sworn to
[16] before me this ____ day
[17] of _____ 2012.
[18]
[19]
[20]
[21]
[22]
[23]
[24]
[25]

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[1]
[2] **CERTIFICATE**
[3] **STATE OF NEW YORK)**
[4]
[5] **COUNTY OF NEW YORK)**
[6]
[7] I, KAREN PERLMAN, RPR, a Shorthand
[8] Reporter and Notary Public within and for the
[9] State of New York, do hereby certify:
[10] That VLADIMIR VORONCHENKO, the witness
[11] whose deposition is hereinbefore set forth, was
[12] duly sworn by me and that such deposition is a
[13] true record of the testimony given by such
[14] witness.
[15] I further certify that I am not related to
[16] any of the parties to this action by blood or
[17] marriage, and that I am in no way interested in
[18] the outcome of this matter.
[19] IN WITNESS WHEREOF, I have hereunto set my
[20] hand this ____ day of June, 2012.
[21]
[22]
[23] **KAREN PERLMAN, RPR**
[24]
[25]

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[16] MED 15 - MED 24 116 22
[17] 40, E-mail dated December 11,
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